

Queensland

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repealed regulation means the repealed *Rural and Regional Adjustment Regulation 2000*.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) For section 11(1)(c) of the Act, each scheme set out in a schedule, other than schedule 16, is approved.

(2) For section 11(4) of the Act, each scheme mentioned in schedule 16 is approved.

Part 3 Repeal

4 Repeal of regulation

The Rural and Regional Adjustment Regulation 2000, SL No. 124 is repealed.

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5 Saving of operation of particular schemes and other provisions under repealed regulation

(1) This section applies to the following provisions (each a ***saved provision***) of the repealed regulation—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(b) continues to apply to the things mentioned in it as if the repealed regulation had not been repealed.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under an approved assistance scheme under any of parts 3, 4, 5, 7, 8, 11, 12, 18 or 28 to 34 of the schedule of the repealed regulation; and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;

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(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apply in relation to deciding the application, giving the assistance or otherwise administering the scheme, as if the repealed regulation had not been repealed.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.

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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—

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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.

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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.

Column 1	Column 2
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;

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(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—

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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*.

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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.

Division 12 Transitional provision for Rural and Regional Adjustment (Variation of Work in Paradise Incentive Scheme) Amendment Regulation 2021

19 Existing applications for assistance

(1) This section applies if, before the commencement, an application for assistance under the scheme set out in schedule 36 was made but not decided.

(2) Schedule 36, as amended by the *Rural and Regional Adjustment (Variation of Work in Paradise Incentive Scheme) Amendment Regulation 2021*, applies to the application.

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Division 13 Transitional provision for Rural and Regional Adjustment (Drought-related Assistance Schemes) Amendment Regulation 2022

20 Existing applications for assistance

(1) This section applies if, before the commencement, an application for assistance under the scheme set out in schedule 39 was made but not decided.

(2) Schedule 39, as amended by the *Rural and Regional Adjustment (Drought-related Assistance Schemes) Amendment Regulation 2022*, applies to the application.

Division 14 Transitional provision for Rural and Regional Adjustment (Variation of Tourism Business Professional Advice Rebate Scheme) Amendment Regulation 2022

21 Existing applications for assistance

(1) This section applies if, before the commencement, an application for assistance under the scheme set out in schedule 19 was made but not decided.

(2) Schedule 19, as amended by the *Rural and Regional Adjustment (Variation of Tourism Business Professional Advice Rebate Scheme) Amendment Regulation 2022*, applies to the application.

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Division 15 Validation provision for Rural and Regional Adjustment (Variation of Tourism and Hospitality Sector Hardship Grants Scheme) Amendment Regulation 2022

22 Validation of particular sch 38 applications received by authority

(1) This section applies if—

(a) before the commencement, an entity (the ***applicant***) made an application for a part 2 first payment (the ***part 2 first payment application***); and

(b) before the commencement, either—

(i) the authority decided to approve the part 2 first payment application; or

(ii) the chief executive officer, in a review decision of an original decision in relation to the part 2 first payment application, decided to approve the application; and

(c) the applicant purportedly made an application for a part 2 second payment (the ***part 2 second payment application***) that was received by the authority no later than 6p.m. on 6 December 2021; and

(d) a part 2 first payment had not been made to the applicant before the applicant purportedly made the part 2 second payment application.

(2) Despite schedule 38, section 20(3), the part 2 second payment application is, and is taken to have always been, as valid as it would have been if a part 2 first payment had been made to the applicant before the applicant purportedly made the part 2 second payment application.

(3) Terms defined in schedule 38 and used in this section have the same meanings as they have in schedule 38.

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Division 16 Transitional provisions for Rural and Regional Adjustment (Natural Disaster-related Assistance Schemes) Amendment Regulation 2022

23 Existing applications for assistance—sch 39

(1) This section applies if an application for assistance under the scheme set out in schedule 39 was made but not decided before the commencement.

(2) Schedule 39, as amended by the *Rural and Regional Adjustment (Natural Disaster-related Assistance Schemes) Amendment Regulation 2022*, applies to the application.

24 Existing applications for assistance—sch 40

(1) This section applies if an application for assistance under the scheme set out in schedule 40 was made but not decided before the commencement.

(2) Schedule 40, as amended by the *Rural and Regional Adjustment (Natural Disaster-related Assistance Schemes) Amendment Regulation 2022*, applies to the application.

Division 17 Transitional provisions for Rural and Regional Adjustment (Variation of Wheelchair Accessible Taxi Grants Scheme) Amendment Regulation 2022

25 Definition for division

In this division—

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amendment regulation means the *Rural and Regional Adjustment (Variation of Wheelchair Accessible Taxi Grants Scheme) Amendment Regulation 2022*.

26 Existing applications for assistance

(1) This section applies if, before the commencement, an application for assistance under the scheme set out in schedule 15 was made but not decided.

(2) Schedule 15, as amended by the amendment regulation, part 2, applies to the application.

26A Application of particular provisions continued

(1) This section applies if before the commencement an application for assistance under the scheme set out in schedule 15 was made but not decided.

(2) Schedule 15, as in force immediately before the commencement, continues to apply to the application as if the amendment regulation, part 3 had not commenced.

Division 18 Transitional provisions for Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2022

27 Existing applications for assistance—sch 44

(1) This section applies if an application for assistance under the scheme set out in schedule 44 was made but not decided before the commencement.

(2) Schedule 44, as amended by the *Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2022*, applies to the application.

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28 Grants of assistance made before commencement

(1) This section applies if a grant of financial assistance to an applicant for the cost of carrying out eligible works was made under the scheme set out in schedule 44 before the commencement.

(2) The authority must, as soon as practicable after the commencement, pay the amount of the GST that was excluded from the grant of financial assistance—

(a) if the assistance was paid to the applicant—to the applicant; or

(b) otherwise—to the licensed contractor who carried out the eligible works or is contracted to carry out the eligible works.

Division 19 Transitional provision for Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022

29 Existing applications for assistance

(1) This section applies if, before the commencement, an application for assistance under the scheme set out in schedule 23 was made but not decided.

(2) Schedule 23, section 8, as amended by the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022*, applies to the application.

(3) However, schedule 23, section 3, definition *primary producer*, as in force immediately before the commencement, continues to apply for deciding the application as if the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* had not commenced.

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Division 20 Transitional provision for Rural and Regional Adjustment (Variation of Zero Emission Vehicle Rebate Scheme) Amendment Regulation 2023

30 Existing applications for assistance

(1) This section applies to an application for assistance under the scheme set out in schedule 42 made, but not decided, before the commencement.

(2) Schedule 42, as amended by the *Rural and Regional Adjustment (Variation of Zero Emission Vehicle Rebate Scheme) Amendment Regulation 2023*, applies in relation to the application.

Division 21 Transitional provision for Rural and Regional Adjustment (Variation of Wheelchair Accessible Taxi Grants Scheme) Amendment Regulation 2024

31 Existing applications for assistance

(1) This section applies to an application for assistance under the scheme set out in schedule 15 made, but not decided, before the commencement.

(2) Schedule 15, as amended by the *Rural and Regional Adjustment (Variation of Wheelchair Accessible Taxi Grants Scheme) Amendment Regulation 2024*, applies in relation to the application.

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Division 21A Transitional provisions for Rural and Regional Adjustment (Variation of Primary Industry Productivity Enhancement Scheme) Amendment Regulation 2024

31A Existing applications for assistance

(1) This section applies to an application for assistance under the scheme set out in schedule 1 made, but not decided, before the commencement.

(2) Schedule 1, as amended by the *Rural and Regional Adjustment (Variation of Primary Industry Productivity Enhancement Scheme) Amendment Regulation 2024*, applies in relation to the application.

32 Existing loans

Schedule 1, other than section 6(2), as amended by the *Rural and Regional Adjustment (Variation of Primary Industry Productivity Enhancement Scheme) Amendment Regulation 2024*, applies in relation to a loan drawn down before the commencement.

Division 22 Transitional provision for Rural and Regional Adjustment (Feral Pest Exclusion Fencing Grants Scheme and Other Matters) Amendment Regulation 2025

33 Provisions taken to have referred to Minister administering Queensland Reconstruction Authority Act 2011

(1) This section applies to each of the following provisions—

(a) schedule 2, section 1, definition *appropriate Minister*;

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(b) schedule 3, section 1, definition *appropriate Minister*;

(c) schedule 7, section 3, definition *appropriate Minister*;

(d) schedule 21, section 3, definition *appropriate Minister*;

(e) schedule 23, section 3, definition *appropriate Minister*;

(f) schedule 47, section 5(2)(a).

(2) From 31 October 2023 until the commencement, the provision is taken to have referred to the Minister responsible for administering the *Queensland Reconstruction Authority Act 2011* instead of the Minister responsible for administering the *Disaster Management Act 2003*.

(3) Subsection (2) applies to the provision despite the provision as it was in force before the commencement.

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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.

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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

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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—

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(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) An applicant may ask the authority for 1 of the following types of interest rates for a loan under the scheme—

(a) an interest rate that is fixed for a period of 1, 3 or 5 years;

(b) an interest rate that is variable.

(2) The initial interest rate for a loan to the applicant under the scheme—

(a) is based on the type of interest rate requested by the applicant and approved by the authority; and

(b) is worked out by the authority based on the base lending rate for the type of interest rate when the applicant first draws down the loan or part of the loan.

(3) The applicant may, during the term of a loan, ask the authority for the same or another type of interest rate mentioned in subsection (1).

(4) If the authority approves the applicant's request under subsection (3), the interest rate—

(a) is worked out by the authority based on the base lending rate for the type of interest rate when the request is approved; and

(b) is applied as soon as practicable but no earlier than the end of any period in which the interest rate is fixed.

(5) The authority may, during the term of the loan, review the applicant's financial situation annually to decide whether to increase the interest rate for the loan.

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(6) After a review under subsection (5), or at any time during the term of the loan, the authority may increase the interest rate for the loan to a commercial rate of interest decided by the authority.

(7) The authority may decide to increase the interest rate under subsection (6) more than once in relation to the applicant.

(8) In this section—

base lending rate—

(a) for an interest rate that is fixed for a period of 1, 3 or 5 years—means the fixed lending rate of the Queensland Treasury Corporation, plus a margin decided by the authority and approved by the Minister, for the period; or

(b) for an interest rate that is variable—means the variable lending rate 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 a period of not more than 10 years to make interest only repayments.

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.

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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.

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.

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(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 is worked out by the authority based on the base lending rate when the loans are consolidated.

(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 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

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(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,

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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

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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.

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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 *Queensland Reconstruction Authority Act 2011*.

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.

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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—

(i) spends the majority of their labour on a primary production enterprise; and

(ii) either—

(A) derives 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, within a reasonable time, derive the majority of their income from the primary production enterprise; or

(b) a partnership, company or trust that carries on a primary production enterprise if the partners, shareholders or beneficiaries—

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(i) spend the majority of their labour on the 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, within a reasonable time, derive the majority of their income from the primary production enterprise.

primary production enterprise means—

(a) a business that—

(i) involves primary production, including the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; or

(ii) supports primary production; and

Examples for subparagraph (ii)—

farm irrigation services, mustering business, shearing business, silage baling business, timber plantation maintenance services

(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.

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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 *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

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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.

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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.

(3) Subject to subsection (4), 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.

(4) The total amount lent to an applicant under the scheme for the March–April 2025 Western Queensland flood disaster must not be more than $5m.

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(5) In this section—

March–April 2025 Western Queensland flood disaster means the eligible disaster defined by the appropriate Minister, for the purpose of activating the disaster recovery funding arrangements, as 'Communities within Western Queensland affected by Western Queensland Surface Trough and Associated Rainfall and Flooding Commencing 21 March – 19 May 2025', as amended from time to time.

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

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(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

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applicant may only be given a loan under the scheme at a current commercial lending rate.

(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.

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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 *Queensland Reconstruction Authority Act 2011*.

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

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(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 their labour on, and derives the majority of their 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;

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(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) a body corporate under the *Body Corporate and Community Management Act 1997*; or

(b) a primary production enterprise.

(3) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

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

where—

E means the number of equivalent full-time employees of the business.

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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.

primary production enterprise means a business that—

(a) involves primary production, including the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; or

(b) supports primary production.

Examples for paragraph (b)—

farm irrigation services, mustering business, shearing business, silage baling business, timber plantation maintenance services

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

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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

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(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.

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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.

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Schedule 4 Drought carry-on finance loan scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist sole traders, partnerships, proprietary companies and trusts, that are carrying on primary production enterprises that have been significantly financially affected by drought, with carry-on finance.

2 Purpose of assistance

(1) The purpose of assistance under the scheme is to provide concessional loans to sole traders, partnerships, proprietary companies and trusts carrying on primary production enterprises to assist the 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 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) buying new equipment or other assets.

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3 Definitions for schedule

In this schedule—

primary producer means—

(a) a sole trader who spends the majority of the person's labour on, and derives the majority of the person'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, forestry, grazing and horticultural industries; and

(b) for which an entity holds an Australian Business Number.

resilience plan, for a primary production enterprise, see section 4.

scheme means the scheme set out in this schedule.

4 Meaning of *resilience plan*

A ***resilience plan***, for a primary production enterprise, is a plan that the authority is satisfied—

(a) addresses risks relevant to the primary production enterprise, including—

(i) viability risks; and

(ii) productivity risks; and

(iii) business and climate risks, such as drought; and

(b) details the actions the applicant may take to manage the risks relevant to the primary production enterprise to

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improve the resilience of the primary production enterprise; and

(c) complies with the guidelines for resilience plans under the scheme that are issued by the authority.

Note—

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

Part 2 General provisions of scheme

5 Nature of assistance

The nature of the assistance that may be given to an applicant under the scheme is a loan at a concessional rate of interest to be used to pay for a purpose mentioned in section 2.

6 Maximum loan amount

(1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is $250,000.

(2) However, if the applicant applies for assistance under the scheme and the scheme set out in schedule 5, the maximum amount of the loans an applicant may receive under both schemes is a combined total of $250,000.

7 Eligibility criteria

(1) To be eligible to receive assistance under the scheme the applicant must demonstrate to the authority that—

(a) the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and

(b) the applicant is the sole trader, partnership, proprietary company or trust that is carrying on the primary production enterprise; and

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(c) an interested person for the primary production enterprise is a primary producer; and

(d) the applicant—

(i) has taken reasonable precautions to minimise the effect of drought on the primary production enterprise; and

Example of reasonable precautions—

maintaining stock at levels commensurate with seasonal conditions

(ii) intends to use any of the primary production enterprise's surplus liquid reserves or normal credit sources up to normal credit limits, in conjunction with the loan, to continue operations; and

(iii) can service the loan; and

(e) the primary production enterprise—

(i) has been carried on for at least 12 months before the day the application for assistance is made; and

(ii) demonstrates prospects for commercial viability; and

(iii) requires financial assistance because the primary production enterprise has been significantly financially affected by drought.

(2) Also, an applicant must give to the authority, or demonstrate to the authority that the applicant intends to give to the authority, a resilience plan for the primary production enterprise.

(3) However, an applicant is not eligible to receive assistance under the scheme if—

(a) the applicant has received assistance under the scheme and the loan has not been discharged; or

(b) the applicant has received assistance under the scheme in the 5 years before the day the application for assistance is made; or

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(c) the applicant or an interested person for the primary production enterprise—

(i) has given to the department, in support of an application for DRAS funding, an invoice issued in the 6 months before the day the application for assistance is made; and

(ii) has received DRAS funding for the invoice.

(4) In this section—

DRAS funding means—

(a) a freight subsidy under the program known as the Drought Relief Assistance Scheme administered by the department; or

(b) a rebate known as the Emergency Water Infrastructure Rebate under the program known as the Drought Relief Assistance Scheme administered by the department.

interested person, for a primary production enterprise, means—

(a) if the primary production enterprise is carried on by a sole trader—the sole trader; or

(b) if the primary production 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.

8 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.

9 Security

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

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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) During the first 2 years of the loan term, the applicant must make the interest repayments decided by the authority.

(3) From the start of the third year of the loan term, the applicant must make the principal and interest repayments decided by the authority.

11 Condition

(1) The payment of assistance under the scheme is subject to the condition stated in this section.

(2) If an applicant's application for assistance is not accompanied by a resilience plan for the primary production enterprise the subject of the application, the applicant must, if requested by the authority, give a resilience plan for the primary production enterprise to the authority.

12 Requirements for 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 documents stated on the application form; and

(c) be 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.

13 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 12(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.

14 Review by authority

Assistance given to an applicant under the scheme may be subject to an annual review by the authority.

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Schedule 5 Emergency drought assistance loan scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist sole traders, partnerships, proprietary companies and trusts, that are carrying on primary production enterprises that have been significantly financially affected by drought, with carry-on finance.

2 Purpose of assistance

(1) The purpose of assistance under the scheme is to provide interest-free loans to sole traders, partnerships, proprietary companies and trusts that are carrying on primary production enterprises to assist the 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 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) buying new equipment or other assets.

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3 Definitions for schedule

In this schedule—

primary producer means—

(a) a sole trader who spends the majority of the person's labour on, and derives the majority of the person'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, forestry, grazing and horticultural industries; and

(b) for which an entity holds an Australian Business Number.

resilience plan, for a primary production enterprise, see section 4.

scheme means the scheme set out in this schedule.

4 Meaning of *resilience plan*

A ***resilience plan***, for a primary production enterprise, is a plan that the authority is satisfied—

(a) addresses risks relevant to the primary production enterprise, including—

(i) viability risks; and

(ii) productivity risks; and

(iii) business and climate risks, such as drought; and

(b) details the actions the applicant may take to manage the risks relevant to the primary production enterprise to

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improve the resilience of the primary production enterprise; and

(c) complies with the guidelines for resilience plans under the scheme that are issued by the authority.

Note—

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

Part 2 General provisions of scheme

5 Nature of assistance

The nature of the assistance that may be given to an applicant under the scheme is an interest-free loan to be used to pay for a purpose mentioned in section 2.

6 Maximum loan amount

(1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is $50,000.

(2) However, if the applicant applies for assistance under the scheme and the scheme set out in schedule 4, the maximum amount of the loans an applicant may receive under both schemes is a combined total of $250,000.

7 Eligibility criteria

(1) To be eligible to receive assistance under the scheme the applicant must demonstrate to the authority that—

(a) the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and

(b) the applicant is the sole trader, partnership, proprietary company or trust that is carrying on the primary production enterprise; and

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(c) an interested person for the primary production enterprise is a primary producer; and

(d) the applicant—

(i) has taken reasonable precautions to minimise the effect of drought on the primary production enterprise; and

Example of reasonable precautions—

maintaining stock at levels commensurate with seasonal conditions

(ii) intends to use any of the primary production enterprise's surplus liquid reserves or normal credit sources up to normal credit limits, in conjunction with the loan, to continue operations; and

(iii) can service the loan; and

(e) the primary production enterprise—

(i) has been carried on for at least 12 months before the day the application for assistance is made; and

(ii) demonstrates prospects for commercial viability; and

(iii) requires financial assistance because the primary production enterprise has been significantly financially affected by drought.

(2) Also, an applicant must give to the authority, or demonstrate to the authority that the applicant intends to give to the authority, a resilience plan for the primary production enterprise.

(3) However, an applicant is not eligible to receive assistance under the scheme if—

(a) the applicant has received assistance under the scheme and the loan has not been discharged; or

(b) the applicant has received assistance under the scheme in the 5 years before the day the application for assistance is made; or

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(c) the applicant or an interested person for the primary production enterprise—

(i) has given to the department, in support of an application for DRAS funding, an invoice issued in the 6 months before the day the application for assistance is made; and

(ii) has received DRAS funding for the invoice.

(4) In this section—

DRAS funding means—

(a) a freight subsidy under the program known as the Drought Relief Assistance Scheme administered by the department; or

(b) a rebate known as the Emergency Water Infrastructure Rebate under the program known as the Drought Relief Assistance Scheme administered by the department.

interested person, for a primary production enterprise, means—

(a) if the primary production enterprise is carried on by a sole trader—the sole trader; or

(b) if the primary production 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.

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 7 years.

(2) During the first 2 years of the loan term, the authority must defer repayments of the principal.

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(3) From the start of the third year of the loan term, the applicant must make the principal repayments decided by the authority.

10 Condition

(1) The payment of assistance under the scheme is subject to the condition stated in this section.

(2) If an applicant's application for assistance is not accompanied by a resilience plan for the primary production enterprise the subject of the application, the applicant must, if requested by the authority, give a resilience plan for the primary production enterprise to the authority.

11 Requirements for 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 documents stated on the application form; and

(c) be 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.

12 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 11(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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13 Review by authority

Assistance given to an applicant under the scheme may be subject to an annual review by the authority.

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—

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

where—

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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.

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(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.

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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 *Queensland Reconstruction Authority Act 2011*.

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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—

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(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 their labour on a primary production enterprise; and

(ii) either—

(A) derives 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; 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

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(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) a business that—

(i) involves primary production, including the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; or

(ii) supports primary production; and

Examples for subparagraph (ii)—

farm irrigation services, mustering business, shearing business, silage baling business, timber plantation maintenance services

(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.

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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—

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(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) a body corporate under the *Body Corporate and Community Management Act 1997*; or

(b) a business mentioned in section 3, definition *primary production enterprise*, paragraph (a).

(3) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

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

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

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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—

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(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

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(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.

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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 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.

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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

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(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

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(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

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(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;

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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

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(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.

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(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.

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(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—

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(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—

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

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

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(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;

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(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—

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(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

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(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;

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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—

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(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

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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

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(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).

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(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—

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(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).

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(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.

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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.

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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.

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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—

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(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

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(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;

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(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

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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.

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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.

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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

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(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.

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(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).

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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

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(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.

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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—

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(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).

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(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.

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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.

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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.

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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

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(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

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(b) construction and demolition waste under the *Waste Reduction and Recycling Regulation 2023*, schedule 13.

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

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(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 *Waste Reduction and Recycling Act 2011*, section 8AA.

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.

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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 2026.

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—

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(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—

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(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—

$$\mathbf{P = A \times W \times L \times B}$$

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 that is the level 1 rate under the *Waste Reduction and Recycling Regulation 2023*, section 13 for other levyable waste for the financial year.

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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—

$$\mathbf{P = A \times L \times 52}$$

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 that is the level 1 rate under the *Waste Reduction and Recycling Regulation 2023*, section 13 for other levyable waste for the financial year.

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

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(d) be given to the authority not later than 30 June 2026.

(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.

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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 acquiring new 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

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(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

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(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.

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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 conventional 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) add a wheelchair accessible taxi condition for the licence.

(3) However, a wheelchair accessible taxi to which subsection (1)(a) or (b) applies is not an ***eligible replaceable taxi*** if assistance under the scheme has already been granted to replace the taxi.

(4) In this section—

conventional taxi means a taxi that is not a wheelchair accessible taxi.

eligible taxi service area means any of the following taxi service areas under the *Transport Operations (Passenger Transport) Act 1994*—

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(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.

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

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(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 motor 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—

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(a) 50% of the cost of acquiring a new wheelchair accessible taxi;

(b) $55,000.

(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 agreement must include the following terms—

(a) the licensee must ensure—

(i) the new wheelchair accessible taxi is used to provide a taxi service for at least 3 years; and

(ii) the taxi service is provided under a taxi service licence with a wheelchair accessible taxi condition held or leased by the licensee;

(b) if the reimbursement assistance or purchase assistance paid to the licensee under the scheme relates to an eligible replaceable taxi of the kind mentioned in section 5(2)—the licensee may not transfer the new wheelchair accessible taxi to another taxi service licence for at least 3 years;

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(c) if the licensee does not comply with a term mentioned in paragraph (a) or (b), the licensee must repay the assistance on a pro-rata basis for the part of the 3-year period the licensee did not comply with the term.

(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

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(c) the licence continues to state, or 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 no later than 30 June 2025; and

(b) made in the approved form; and

(c) accompanied by any other documents stated in the approved form.

(2) 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 must refuse an application for assistance under the scheme if the authority's assistance funds are not 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.

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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

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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.

10 The scheme mentioned in the document called 'Horticultural Netting Program—Trial Expansion—Guidelines', published by the authority.

11 The scheme mentioned in the document called 'North Queensland Restocking and On-farm Infrastructure Grants, Northern and Central Queensland Monsoon and Flooding, 20 December 2022–30 April 2023—Guidelines', published by the authority.

Note—

The documents mentioned in items 5 to 11 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.

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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;

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(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;

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(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

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(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—

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

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.

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.

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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

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(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.

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(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—

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(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

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(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

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(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—

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(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—

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

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.

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(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.

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;

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(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.

Part 2 General provisions for scheme

6A Scheme to operate in rounds

(1) The scheme will operate in rounds.

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(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.

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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

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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 Assistance 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 assist owners of eligible businesses to offset the cost of eligible professional advice received from a suitably qualified professional adviser by—

(a) giving the owners a rebate for the cost of the advice; or

(b) paying part of the cost of the advice to the entity that issued the invoice for the advice.

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;

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(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;

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(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 2394, 4279, 4400, 4511, 4513, 4520, 4530, 4621, 4623, 4820, 5010, 5220, 6611, 6619, 7220, 7299, 8910, 8921, 8922, 9003, 9131, 9139, 9201, 45120, 69629, 90010 or 90021.

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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.

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(2) For subsection (1)(f)(ii), the number of equivalent full-time employees of a business is worked out using the formula—

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

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

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(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) if the applicant has paid a tax invoice for receiving eligible professional advice from a suitably qualified professional adviser—a rebate to offset the cost of receiving the advice; or

(b) if the applicant has received, but has not paid, a tax invoice for receiving eligible professional advice from a suitably qualified professional adviser—payment of part of the cost of receiving the advice to the entity that issued the invoice.

(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

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(b) has received eligible professional advice for the eligible business from a suitably qualified professional adviser; and

(c) has received a tax invoice for the eligible professional advice, whether or not the applicant has paid the invoice.

(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 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

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(b) be accompanied by the documents stated in the application form; and

(c) be received by the authority no later than 31 December 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.

(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—

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(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—

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(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

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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

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(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.

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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 *Queensland Reconstruction Authority Act 2011*.

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

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(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

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(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

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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.

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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.

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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.

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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

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(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—

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(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.

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(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—

$$\mathbf{P} = (((\mathbf{PA} + \mathbf{PC}) \times \mathbf{WA}) + ((\mathbf{PB} + \mathbf{PD}) \times \mathbf{WAU}) + \mathbf{WAC}) \times \mathbf{0.35}$$

where—

P is the amount of the rebate payment.

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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—

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$$\mathbf{P} = \left(\frac{\mathbf{VH}}{\mathbf{TV}} \times (((\mathbf{PA} + \mathbf{PC}) \times \mathbf{WA}) + ((\mathbf{PB} + \mathbf{PD}) \times \mathbf{WAU}) + \mathbf{WAC})\right) \times \mathbf{0.35}$$

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

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(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—

$$\mathbf{P} = \left(\frac{\sum_{i=1}^{n} h_i}{\sum_{i=1}^{n} h_i + \sum_{i=1}^{n} x_i} \times (((\mathbf{PA} + \mathbf{PC}) \times \mathbf{WA}) + ((\mathbf{PB} + \mathbf{PD}) \times \mathbf{WAU}) + \mathbf{WAC}) \right) \times \mathbf{0.35}$$

where—

P is the amount of rebate payment.

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$$\sum_{i=1}^{n} h_i = h_1 + h_2 + ... + h_n$$

h_i 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.

$$\sum_{i=1}^{n} x_i = x_1 + x_2 + ... + x_n$$

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

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(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.

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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 schedule

In this schedule—

2019–2020 extraordinary bushfire disaster means the bushfire that—

(a) happened during the 2019–2020 financial year; and

(b) was defined by the former appropriate Minister for the purpose of activating the disaster recovery funding arrangements.

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applicant means an entity applying for assistance under the scheme.

appropriate Minister means the Minister responsible for administering the *Queensland Reconstruction Authority Act 2011*.

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 and lost or damaged crops.

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).

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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).

former appropriate Minister means the Minister administering the *Disaster Management Act 2003*.

January–February 2019 Queensland flood disaster means the eligible disaster defined by the former 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).

January–February 2025 Queensland flood disaster means the eligible disaster defined by the appropriate Minister on 1 February 2025, for the purpose of activating the disaster recovery funding arrangements, as 'Communities within North and Far North Queensland areas affected by the tropical low, commencing 29 January 2025' (as amended from time to time).

livestock includes poultry.

natural disaster see section 4.

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

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(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 their labour on a primary production enterprise; and

(ii) either—

(A) derives 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, within a reasonable time, derive the majority of their 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

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(B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will, within a reasonable time, derive the majority of their income from the primary production enterprise.

primary production enterprise means—

(a) a business that—

(i) involves primary production, including the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; or

(ii) supports primary production; and

Examples for subparagraph (ii)—

farm irrigation services, mustering business, shearing business, silage baling business, timber plantation maintenance services

(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).

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

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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—

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(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) a body corporate under the *Body Corporate and Community Management Act 1997*; or

(b) a business mentioned in section 3, definition *primary production enterprise*, paragraph (a).

(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.

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(6) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

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

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.

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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.

(ca) if assistance for the event is available by way of an exceptional circumstances grant and the event is not mentioned in section 7(3)(a) to (d)—the maximum amount for the exceptional circumstances grant; and

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Note—

See section 7(4).

(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

(1) 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.

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(2) This section does not limit the Minister's power, under the *Acts Interpretation Act 1954*, section 24AA, to amend other matters stated in the assistance establishment notice.

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

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(e) otherwise—the maximum amount stated in the assistance establishment notice.

(4) For subsection (3)(e), the stated amount must not be more than $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) hiring or leasing equipment or materials to clean a property, premises or equipment;

(ba) purchasing equipment or materials to clean a property, premises or equipment, if the authority is satisfied—

(i) the equipment is, or the materials are, not ordinarily available for hire or lease; or

Examples of items not ordinarily available for hire or lease—

cleaning chemicals, gloves, masks, brooms, mops, shovels or buckets

(ii) if subparagraph (i) does not apply—

(A) the equipment is, or the materials are, reasonably necessary for cleaning the property, premises or equipment; and

(B) the equipment is, or the materials are, not readily available for hire or lease at a cost that is equal to or less than the cost of purchasing the equipment or materials;

(c) employing a person to clean a property, premises or equipment if—

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(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;

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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) for direct damage caused by the January–February 2025 Queensland flood disaster, or a subsequent eligible disaster—replacing lost or damaged eligible crops if the replacement is essential for immediately resuming operation of the primary production enterprise;

(x) replacing essential water that has been used for fire fighting;

(xi) 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

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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

(3A) For subsection (2)(g)(ix), a grant to replace a lost or damaged eligible crop will cover the following cost—

(a) the cost of replacing the eligible crop with a crop of the same species;

(b) if the primary production enterprise elects to replace the eligible crop with a crop of a different species, the lesser of—

(i) the cost of replacing the eligible crop with the crop of the different species; or

(ii) the cost of replacing the eligible crop with a crop of the same species.

(4) In this section—

eligible crop means—

(a) for a pasture-based crop—a crop that was planted not more than 1 year before the eligible disaster in which the crop was lost or damaged; or

(b) for sugar cane—a crop that had not had its first harvest at the time of the eligible disaster in which the crop was lost or damaged; or

(c) a crop other than sugar cane or a pasture-based crop.

pasture-based crop means a crop grown for consumption by grazing animals, whether as pasture or after harvesting as hay or silage.

Examples—

grass, legumes

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plants includes root stock, seedlings, seeds and tube stock, but does not include crops.

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;

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(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.

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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

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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.

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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

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(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.

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(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

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(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

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(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.

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(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.

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(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—

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(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.

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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;

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(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.

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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

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(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;

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(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—

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

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

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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.

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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

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(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.

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(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—

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(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.

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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.

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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—

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(a) a relationship of a type to which this section applies exists between them; or

(b) a series of relationships of a type to which this section applies can be traced between them through another person or other persons.

(2) This section applies to relationships between the applicant and the person of any of the following types—

(a) a marriage, de facto relationship or civil partnership;

(b) a relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common;

(c) a relationship of employer and employee;

(d) a relationship in which the applicant and the person own or control the same—

(i) cattle; or

(ii) land where cattle are kept; or

(iii) infrastructure or equipment for keeping cattle;

(e) a relationship in which one of them is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the other;

(f) a relationship in which one of them is a corporation and the other is in a position to control or substantially influence the corporation's conduct.

Part 2 General provisions for scheme

5 Nature of assistance

The nature of the assistance that may be given under the scheme is the provision of 1 or more of the following—

(a) a grant to help an eligible applicant recover from the financial impact of the slaughter of cattle under planned

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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

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(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—

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(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).

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(2) For subsection (1), the amount that is the relevant percentage of the animal's accepted value is—

(a) if the accepted value is no more than $2,500—25% of the accepted value; or

(b) if the accepted value is more than $2,500 but no more than $3,000—35% of the accepted value; or

(c) if the accepted value is more than $3,000—50% of the accepted value.

(3) If the animal was older than 7 years when slaughtered, the amount worked out under subsection (2) must be reduced by 25% of that amount for each whole year the animal was above that age.

Example—

An animal had an accepted value of $4,000 and was 10 years and 3 months old when slaughtered. Under subsection (2)(c) the amount of assistance would have been $2,000 (50% of $4,000) but, under subsection (3), is reduced by $1,500 (25% of $2,000 cumulatively over 3 years). The amount of assistance is therefore $500.

(4) This section is subject to section 6.

Part 4 Supply chain pathway assistance

10 Eligibility criteria

(1) An applicant is eligible for supply chain pathway assistance if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—

(a) cattle owned by the applicant are, or have been—

(i) subject to planned slaughter or testing conditions; or

(ii) kept on a cattle holding where cattle are, or have been, subject to planned slaughter or testing conditions; and

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(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

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(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.

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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.

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(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.

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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—

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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—

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

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

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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

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(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.

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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.

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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

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(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.

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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;

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(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*.

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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*

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.

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—

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(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.

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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

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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.

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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—

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(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.

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(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

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(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.

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(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.

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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).

(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.

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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.

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(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.

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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.

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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—

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(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

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(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—

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

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.

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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

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(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.

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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

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(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

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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

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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

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(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

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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.

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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

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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.

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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.

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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*;

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(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

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(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—

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

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.

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(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.

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(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—

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(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

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(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.

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(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

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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.

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 2027 (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.

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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

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(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).

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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.

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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.

(2) However, a person is not eligible for assistance under the scheme in connection with a prescribed licence that is—

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(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

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(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—

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(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

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(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

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(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.

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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.

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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.

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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

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(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

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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).

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electricity customer means a person who is a customer of Energex Limited ACN 078 849 055 or Ergon Energy Corporation Limited ACN 087 646 062.

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.

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.

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—

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(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.

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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

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

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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 type 1 eligible employment; and

(ii) relocate, by at least 100km from their principal place of residence, to engage in the type 1 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.

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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 COVID-19 direction; or

(iv) a reduction of the hours of employment available at a workplace, if the reduction is a result of compliance with a COVID-19 direction; or

(b) another interruption of up to 2 weeks.

COVID-19 direction means a public health direction under the *Public Health Act 2005*, section 362B.

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 2394, 4400, 4511, 4513, 4520, 4530, 4623, 4820, 5010, 5220, 6611, 6619, 7220, 7299, 8910, 8921, 8922, 9001, 9003, 9131, 9139 or 9201; or

(ii) art gallery operation; or

(iii) duty free store operation; or

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(iv) souvenirs retailing, other than by direct selling; or

(v) travel goods retailing, other than by direct selling.

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) and (3).

third instalment see section 5(1)(c) and (4).

travel bonus see section 4(1)(b).

type 1 eligible employment means employment that is—

(a) with 1 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.

type 2 eligible employment means employment, other than type 1 eligible employment, that is—

(a) with up to 2 eligible businesses for a total of at least 20 hours per week; and

(b) in a local government area other than the City of Brisbane, Gold Coast, Gympie, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset or Sunshine Coast local government area.

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—

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(a) payment of up to 3 instalments (each an ***incentive instalment***) as an incentive to complete 3 continuous periods of employment consisting of type 1 eligible employment, or type 1 eligible employment and type 2 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 type 1 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 type 1 eligible employment;

(c) an instalment (the ***third instalment***) on the authority being satisfied the applicant has completed at least 24 continuous weeks of type 1 eligible employment.

(2) However, subsections (3) and (4) apply in relation to an applicant if—

(a) the applicant has received the first instalment; and

(b) the authority is satisfied the applicant is no longer engaged in the type 1 eligible employment in relation to which the applicant received the first instalment because—

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(i) a COVID-19 direction has affected the eligible business that engaged the applicant in the employment; and

(ii) the eligible business has, as a result of compliance with the COVID-19 direction, stopped the employment.

(3) An instalment (also a ***second instalment***) is payable on the authority being satisfied the applicant has completed at least 12 continuous weeks of employment, consisting of a combination of type 1 eligible employment and type 2 eligible employment, of which at least the first 2 weeks are type 1 eligible employment.

(4) An instalment (also a ***third instalment***) is payable on the authority being satisfied the applicant has completed at least 24 continuous weeks of employment, consisting of a combination of type 1 eligible employment and type 2 eligible employment, of which at least the first 2 weeks are type 1 eligible employment.

(5) An incentive instalment is not payable to an applicant in relation to a continuous period of employment completed after 31 March 2023.

(6) 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 type 1 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 type 1 eligible employment—

(i) incentive instalments;

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(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 type 1 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 type 1 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) or (3); and

(c) the third instalment on the authority being satisfied as mentioned in section 5(1)(c) or (4).

(3) Also, an applicant is eligible to receive the travel bonus only if the authority is satisfied—

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(a) the applicant has relocated, by a distance of at least 100km from the applicant's principal place of residence, to engage in the type 1 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).

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 30 June 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.

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(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 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

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(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—

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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

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(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).

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).

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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.

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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—

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(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

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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.

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(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.

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(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.

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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

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(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).

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—

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(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.

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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—

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(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—

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(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

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(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.

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(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—

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(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—

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(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.

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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;

(B) according to its financial records, the annual turnover of the business in Queensland for the 2021–2022 financial year can reasonably

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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

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(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

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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—

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(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.

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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—

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(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

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(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.

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(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;

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(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.

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(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

(c) for a part 2 first payment or part 3 first payment—received by the authority no later than 6p.m. on 22 November 2021; and

(d) for a part 3 second payment—received by the authority no later than 6p.m. on 6 December 2021; and

(e) for a part 2 second payment—received by the authority—

(i) between 11 October 2021 and 6p.m. on 6 December 2021; or

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(ii) between 11 April 2022 and 11:59p.m. on 9 May 2022.

(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.

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Schedule 39 Drought preparedness grant scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist sole traders, partnerships, proprietary companies and trusts carrying on primary production enterprises to offset the cost of new permanent capital infrastructure to improve the resilience to drought of the primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants of financial assistance to sole traders, partnerships, proprietary companies and trusts carrying on primary production enterprises to assist in paying for eligible projects.

3 Definitions for schedule

In this schedule—

eligible project see section 4.

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; and

(d) the date the amount to which the receipt relates was paid.

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primary producer means—

(a) a sole trader who—

(i) spends the majority of the person's labour on a primary production enterprise; and

(ii) either—

(A) derives the majority of the person's 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 the person's income from the primary production enterprise; or

(b) a partnership, proprietary 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, forestry, grazing and horticultural industries; and

(b) for which an entity holds an Australian Business Number.

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resilience plan, for a primary production enterprise, see section 5.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible project*

(1) An ***eligible project*** is a project the authority is satisfied—

(a) will involve the purchase and installation of new permanent capital infrastructure; and

(b) will improve the ability of a primary production enterprise to prepare for, continue to operate in, or recover from, drought conditions; and

(c) will not commence before the authority approves assistance under the scheme for the project.

Examples of eligible projects—

- purchase and installation of new pipes, water tanks or water troughs
- construction of a new dam
- installation of more efficient irrigation
- drilling of a new bore
- construction of a new feed store

(2) In this section—

commence, an eligible project—

(a) includes purchase items, or engage a contractor or other person, for the construction or installation of an eligible project or part of the project; but

(b) does not include the payment of a deposit for a purchase or engagement mentioned in paragraph (a).

5 Meaning of *resilience plan*

A ***resilience plan***, for a primary production enterprise, is a plan that the authority is satisfied—

(a) addresses risks relevant to the primary production enterprise, including—

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(i) viability risks; and

(ii) productivity risks; and

(iii) business and climate risks, such as drought; and

(b) details the actions the applicant may take to manage the risks relevant to the primary production enterprise to improve the resilience of the primary production enterprise; and

(c) complies with the guidelines for resilience plans under the scheme that are issued by the authority.

Note—

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

Part 2 General provisions of scheme

6 Nature and amount of assistance

(1) The nature of the assistance that may be given to an applicant under the scheme is a grant of financial assistance that is 25% of the cost of an eligible project, up to the maximum amount of assistance payable under the scheme.

(2) The maximum amount of assistance payable under the scheme is $50,000.

(3) In this section—

cost, of an eligible project, includes—

(a) charges for freight associated with the eligible project; and

(b) expenses for consumables, including fuel, associated with the eligible project; and

(c) charges for installation associated with the eligible project.

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7 Eligibility criteria

(1) To be eligible to receive assistance under the scheme the applicant must demonstrate to the authority that—

(a) the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and

(b) the applicant is the sole trader, partnership, proprietary company or trust that is carrying on the primary production enterprise; and

(c) an interested person for the primary production enterprise is a primary producer; and

(d) the applicant has given a resilience plan to the authority for the primary production enterprise; and

(e) the applicant has identified in the resilience plan an eligible project to be completed with the assistance provided under the scheme.

(2) However, an applicant is not eligible to receive assistance under the scheme if—

(a) the applicant or an interested person for the primary production enterprise—

(i) has given to the department, in support of an application for DRAS funding, an invoice issued in the 6 months before the day the application for assistance is made; and

(ii) has received DRAS funding for the invoice; or

(b) the applicant has received assistance under the scheme for the same, or a substantially similar, eligible project.

(3) In this section—

DRAS funding means—

(a) a freight subsidy under the program known as the Drought Relief Assistance Scheme administered by the department; or

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(b) a rebate known as the Emergency Water Infrastructure Rebate under the program known as the Drought Relief Assistance Scheme administered by the department.

interested person, for a primary production enterprise, means—

(a) if the primary production enterprise is carried on by a sole trader—the sole trader; or

(b) if the primary production 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.

8 Conditions

(1) The payment of assistance under the scheme is subject to the conditions stated in this section.

(2) The applicant must obtain from each service provider engaged to provide a service for the eligible project—

(a) a tax invoice for the service; and

(b) if the applicant has paid the tax invoice—an official receipt.

(3) The applicant must obtain from each supplier engaged to provide goods for the eligible project—

(a) a tax invoice for the goods; and

(b) if the applicant has paid the tax invoice—an official receipt.

(4) The applicant must not engage a service provider to provide a service for the eligible project if—

(a) the service provider is employed by an entity owned, or partly owned, by the applicant; or

(b) the service provider is an entity owned, or partly owned, by the applicant.

(5) The applicant must not obtain goods for the eligible project from an entity owned, or partly owned, by the applicant.

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(6) If requested by the authority, the applicant must give to the authority a report stating the following—

(a) if the project is not complete—

(i) the steps taken towards completing the eligible project; and

(ii) the cost of each step; and

(iii) the estimated time needed to complete the eligible project;

(b) whether or not the project is complete—the estimated total cost of the eligible project.

9 Requirements for 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 documents stated on the application form; and

(c) be 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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11 Payment of grant

(1) This section applies if the authority approves an application for assistance under the scheme.

(2) Subsection (3) applies in relation to a tax invoice for the eligible project that has not been paid by the applicant.

(3) If requested by the applicant, the authority may pay the supplier or service provider who provided the tax invoice to the applicant an amount that is 25% of the amount owing under the tax invoice.

(4) Subsection (5) applies in relation to an official receipt for the eligible project.

(5) If requested by the applicant, the authority may pay to the applicant an amount that is 25% of the amount recorded in the official receipt as having been paid by the applicant.

(6) The total amount paid by the authority under subsections (3) and (5) must not be more than $50,000.

(7) If the applicant makes a request under subsection (3) or (5), the applicant must give to the authority the tax invoice or official receipt to which the request relates.

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Schedule 40 Drought ready and recovery finance loan scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist sole traders, partnerships, companies and trusts carrying on primary production enterprises to undertake projects or activities to improve the resilience to drought of the primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to assist sole traders, partnerships, companies and trusts carrying on primary production enterprises to pay for eligible projects or eligible recovery activities.

3 Definitions for schedule

In this schedule—

eligible project see section 4.

eligible recovery activity see section 5.

primary producer means—

(a) a sole trader who—

(i) spends the majority of the person's labour on a primary production enterprise; and

(ii) either—

(A) derives the majority of the person's income from the primary production enterprise; or

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(B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will eventually derive the majority of the person's income from the primary production enterprise; or

(b) a partnership, proprietary 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, forestry, grazing and horticultural industries; and

(b) for which an entity holds an Australian Business Number.

resilience plan, for a primary production enterprise, see section 6.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible project*

(1) An ***eligible project*** is a project the authority is satisfied—

(a) will involve the purchase and installation of new permanent capital infrastructure; and

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(b) will improve the ability of a primary production enterprise to prepare for, continue to operate in, or recover from, drought conditions; and

(c) will not commence before the authority approves assistance under the scheme for the project.

Examples of eligible projects—

- purchase and installation of new pipes, water tanks or water troughs
- construction of a new dam
- installation of more efficient irrigation
- drilling of a new bore
- construction of a new feed store

(2) In this section—

commence, an eligible project—

(a) includes purchase items, or engage a contractor or other person, for the construction or installation of an eligible project or part of the project; but

(b) does not include the payment of a deposit for a purchase or engagement mentioned in paragraph (a).

5 Meaning of *eligible recovery activity*

(1) An ***eligible recovery activity*** is an activity the authority is satisfied—

(a) is replanting, preparing the land for replanting, or restocking; and

(b) will improve the ability of a primary production enterprise to recover from drought conditions; and

(c) will not commence before the authority approves assistance under the scheme for the activity.

(2) In this section—

replanting includes—

(a) removing unviable crops, plants or trees; and

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(b) purchasing and planting new seed, seedlings or trees; and

(c) purchasing a chemical, fertiliser or soil ameliorant to plant the new seed, seedlings or trees; and

(d) purchasing consumables for the equipment required to plant the new seed, seedlings or trees.

restocking includes—

(a) purchasing and vaccinating new stock; and

(b) drenching new stock.

6 Meaning of *resilience plan*

A ***resilience plan***, for a primary production enterprise, is a plan that the authority is satisfied—

(a) addresses risks relevant to the primary production enterprise, including—

(i) viability risks; and

(ii) productivity risks; and

(iii) business and climate risks, such as drought; and

(b) details the actions the applicant may take to manage the risks relevant to the primary production enterprise to improve the resilience of the primary production enterprise; and

(c) complies with the guidelines for resilience plans under the scheme that are issued by the authority.

Note—

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

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Part 2 General provisions of scheme

7 Nature of assistance

(1) The nature of the assistance that may be given to an applicant under the scheme is a loan at a concessional rate of interest to be used to pay for the cost of an eligible project or eligible recovery activity, up to the maximum amount of a loan, or total outstanding loan balance, under the scheme.

(2) In this section—

cost, of an eligible project, includes—

(a) charges for freight associated with the eligible project; and

(b) expenses for consumables, including fuel, associated with the eligible project; and

(c) charges for installation associated with the eligible project.

8 Maximum loan amount

The maximum amount of a loan, or total outstanding loan balance, under the scheme is $250,000.

9 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—

(a) the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and

(b) the applicant is the sole trader, partnership, proprietary company or trust that is carrying on the primary production enterprise; and

(c) an interested person for the primary production enterprise is a primary producer; and

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(d) the applicant has given a resilience plan to the authority for the applicant's primary production enterprise; and

(e) the applicant has identified in the resilience plan an eligible project or eligible recovery activity to be completed with the assistance provided under the scheme; and

(f) the applicant can service the loan; and

(g) the applicant's primary production enterprise is commercially viable or demonstrates sound prospects for commercial viability.

(2) However, the applicant is not eligible to receive assistance under the scheme if—

(a) the applicant or an interested person for the primary production enterprise has given to the department, in support of an application for DRAS funding, an invoice issued in the 6 months before the day the application for assistance is made; and

(b) the applicant or the interested person received DRAS funding for the invoice.

(3) In this section—

DRAS funding means—

(a) a freight subsidy under the program known as the Drought Relief Assistance Scheme administered by the department; or

(b) a rebate known as the Emergency Water Infrastructure Rebate under the program known as the Drought Relief Assistance Scheme administered by the department.

interested person, for a primary production enterprise, means—

(a) if the primary production enterprise is carried on by a sole trader—the sole trader; or

(b) if the primary production 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.

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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 term, the applicant must make the interest repayments decided by the authority.

(3) From the start of the third year of the loan term, the applicant must make the principal and interest repayments decided by the authority.

13 Condition

(1) The payment of assistance under the scheme is subject to the condition stated in this section.

(2) If requested by the authority, the applicant must give to 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.

14 Requirements for 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 documents stated on the application form; and

(c) be 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.

15 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 14(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.

16 Review by authority

Assistance given to an applicant under the scheme may be subject to an annual review by the authority.

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Schedule 41 Rural agricultural development (sheep and goats) 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—

(a) creating employment relating to eligible primary production enterprises; and

(b) increasing sales or the value of products or materials derived from eligible primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to enable an eligible entity to—

(a) create employment relating to an eligible primary production enterprise; or

(b) increase sales or the value of products or materials derived from an eligible primary production enterprise.

3 Definitions for schedule

In this schedule—

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

approved form means a form approved by the authority.

eligible activity see section 4.

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eligible entity see section 5.

eligible primary production enterprise means a primary production enterprise that—

(a) is located in a relevant rural area; and

(b) involves 50 or more sheep or goats, in any combination.

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 and grazing 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) 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 relating to, or increase sales or the value of products or materials derived from, an eligible primary production enterprise, including, for example, in any of the following ways—

(a) by developing a new market for a product derived from sheep or goats;

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(b) by expanding the capabilities of businesses within the supply chain for producing, processing, manufacturing or selling products derived from sheep or goats;

(c) by providing specialised training or equipment to an eligible primary production enterprise.

5 Meaning of *eligible entity*

(1) Each of the following entities is an ***eligible entity***—

(a) an entity that carries on a medium-size business;

(b) an association incorporated under the *Associations Incorporation Act 1981*;

(c) a co-operative registered under the Co-operatives National Law (Queensland);

(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 located in Queensland;

(i) a tertiary education institution, or another institution or organisation, that provides vocational training in Queensland;

(j) a local government.

(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

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(b) a partner in a partnership that carries on a primary production enterprise, if the partner spends the majority of the partner's labour on, and derives the majority of the partner's income from, the enterprise; or

(c) a shareholder in a proprietary company that carries on a primary production enterprise, if the shareholder spends the majority of the shareholder's labour on, and derives the majority of the shareholder's income from, the enterprise; or

(d) a beneficiary of a trust that carries on a primary production enterprise, if the beneficiary spends the majority of the beneficiary's labour on, and derives the majority of the beneficiary's income from, the 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) 250 full-time employees; or

(ii) if the business has employees other than full-time employees—250 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)(ii), the number of equivalent full-time employees of a business is worked out using the formula—

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

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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 was made; or

(b) funding an activity associated with installing or maintaining cluster fencing or predator-proof fencing; 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; or

(f) conducting feasibility studies; or

(g) paying administration costs.

(3) The amount of a grant of financial assistance under the scheme for an eligible activity that is the subject of an application—

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(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.

(4) However, the maximum amount of a grant of financial assistance under the scheme for an eligible entity 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 consists of an expression of interest stage and 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) Each round of the scheme opens 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 made; 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.

(5) Each round of the scheme closes 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—

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(a) be an eligible entity; and

(b) be applying for assistance for an eligible activity; and

(c) be able to state the relevant rural area in which the eligible activity will primarily be undertaken (the ***stated rural area***); and

(d) not have previously received assistance under the scheme for a substantially similar activity; and

(e) not have received other government funding for the eligible activity; and

(f) demonstrate to the authority's satisfaction that—

(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; and

(ii) the applicant has adequate experience or other qualifications to give the applicant a reasonable prospect of success in carrying out the activity; and

(iii) the activity has sound prospects for commercial viability in the long term; and

(iv) the activity will provide a significant economic benefit to the stated rural area.

(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)(f)(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 state on its website, on or before the day the round opens under section 8, the day that is the last day by which the authority must receive an expression of interest in applying for assistance under the scheme.

(3) An expression of interest in applying for assistance under the scheme must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority on or before the day mentioned in subsection (2).

(4) The authority must decide to accept or reject each expression of interest made under subsection (3).

(5) If the authority decides to accept an expression of interest, the authority must give the entity that made the expression of interest a written notice stating the entity is invited to apply for assistance under the scheme.

(6) If the authority decides to reject an expression of interest—

(a) the authority must give the entity that made the expression of interest 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) For each round of the scheme, an application for assistance under the scheme must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority—

(i) on or after the day stated on the authority's website as the day on or after which the application may be made; and

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(ii) before the end of the day on which the round of the scheme closes.

(2) Also, an application for assistance under the scheme may be made only if—

(a) the applicant has previously made an expression of interest in applying for assistance under the scheme, whether for the first round or any subsequent round; and

(b) the authority—

(i) decided to accept the applicant's expression of interest; and

(ii) gave the applicant a written notice stating the applicant is invited to apply for assistance under the scheme.

(3) If the authority asks the applicant to give further information to decide the application, the applicant must give the authority 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.

(2) In approving an application, the authority may, with the agreement of the applicant, approve a lesser amount of assistance than the amount applied for in the application.

(3) The authority must refuse to approve an application if the authority's funds for assistance for a round of the scheme are not sufficient to pay for the assistance applied for in the application.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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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

The payment to an eligible entity of a grant of financial assistance under the scheme is subject to the following conditions—

(a) before receiving the assistance, the entity must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the entity 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, the entity must, from time to time, give the authority a report about how the assistance is enabling the entity to achieve outcomes consistent with the purpose of the assistance mentioned in section 2;

(d) the entity must comply with the terms of the agreement mentioned in paragraph (a).

15 Payment of financial assistance

The authority may make a grant of financial assistance under the scheme in a single payment or in instalments, at intervals decided by the authority.

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Schedule 42 Zero emission vehicle rebate scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to make eligible zero emission vehicles more affordable for eligible individuals and eligible entities.

2 Purpose of scheme

The purpose of the scheme is to provide rebates to eligible individuals and eligible entities to offset the cost of purchasing an eligible zero emission vehicle.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

dutiable value, of a motor vehicle, has the meaning given by the *Duties Act 2001*, section 378(1) and (3)(a).

eligible business see section 6.

eligible entity means—

(a) an eligible business; or

(b) an eligible non-profit organisation.

eligible non-profit organisation means a charity or other non-profit entity that—

(a) is incorporated under a law of the Commonwealth or a State; and

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(b) holds an Australian Business Number.

eligible zero emission vehicle see section 4.

motor dealer means a person who holds a motor dealer licence under the *Motor Dealers and Chattel Auctioneers Act 2014*.

motor vehicle see section 5.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible zero emission vehicle*

(1) A motor vehicle is an ***eligible zero emission vehicle*** if the motor vehicle—

(a) produces no exhaust fumes or emissions from its motor; and

(b) has a GVM of 4.5t or less; and

(c) is not a conditionally registrable vehicle.

(2) However, subsection (1)(a) is not satisfied in relation to a motor vehicle if the vehicle has been converted or retrofitted to make it produce no exhaust fumes or emissions from its motor.

(3) In this section—

conditionally registrable vehicle see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, schedule 8.

GVM (gross vehicle mass) see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

5 Meaning of *motor vehicle*

(1) A ***motor vehicle*** is a vehicle that moves on 4 wheels and is propelled by a motor that forms part of the vehicle.

(2) However, a ***motor vehicle*** does not include any of the following—

(a) a motorised mobility device;

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(b) a low powered toy scooter;

(c) a tractor or farm machinery;

(d) a vehicle designed for use exclusively in the mining or construction industry;

(e) a vehicle designed for use exclusively on a railway or tramway.

(3) In this section—

low powered toy scooter see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

motorised mobility device see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

6 Meaning of *eligible business*

(1) A business is an ***eligible business*** if an entity holds an Australian Business Number for the business.

(2) However, a business is not an ***eligible business*** if the business—

(a) is a fleet management business; or

(b) is carried on under a motor dealer licence or otherwise involves the sale of motor vehicles; or

(c) is carried on by a government entity.

(3) In this section—

fleet management business means the business of leasing or managing motor vehicles for another entity.

government entity means—

(a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or

(b) a local government; or

(c) a government owned corporation; or

(d) an Australian government agency or sovereign entity within the meaning of the *Income Tax Assessment Act 1997* (Cwlth); or

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(e) an entity that is wholly owned by an entity mentioned in paragraph (a), (b), (c) or (d).

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

Part 2 General provisions for scheme

7 Nature and amount of assistance

The nature and amount of the assistance available to an applicant under the scheme is—

(a) for an applicant who is eligible for assistance under section 8(1)—

(i) if section 8(1)(g) applies to the applicant—a rebate of $6,000 for 1 eligible zero emission vehicle purchased by the applicant; or

(ii) otherwise—a rebate of $3,000 for 1 eligible zero emission vehicle purchased by the applicant; or

(b) for an applicant who is eligible for further assistance under section 8(2) in relation to an eligible zero emission vehicle purchased by the applicant—a further rebate of $3,000 for the vehicle; or

(c) for an applicant who is eligible for assistance under section 9—a rebate of $3,000 for each eligible zero emission vehicle, to a maximum of 5 vehicles, purchased by the applicant during a financial year.

8 Eligibility criteria—assistance for individuals

(1) An applicant who is an individual is eligible to receive assistance under the scheme if—

(a) the applicant resides in Queensland; and

(b) on or after 16 March 2022, the applicant—

(i) purchased an eligible zero emission vehicle from a motor dealer in Queensland; and

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(ii) registered the vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* in the name of the applicant or another entity; and

(c) when the applicant purchased the vehicle, the vehicle—

(i) had not previously been registered in Queensland or elsewhere; and

(ii) had a dutiable value of—

(A) if the applicant purchased the vehicle before 21 April 2023—$58,000 or less; or

(B) if the applicant purchased the vehicle on or after 21 April 2023—$68,000 or less; and

(d) the applicant did not finance the purchase of the vehicle under a lease; and

(e) the applicant has not received assistance under the scheme for another eligible zero emission vehicle; and

(f) a person has not, in another State, received a rebate, grant or subsidy to offset the cost of purchasing the vehicle; and

(g) for an applicant seeking a rebate of $6,000—the applicant gives the authority relevant evidence for a relevant financial year showing that—

(i) if the applicant does not have a spouse—the taxable income of the applicant for the year is $180,000 or less; or

(ii) if the applicant has a spouse—the combined taxable income of the applicant and the applicant's spouse for the year is $180,000 or less.

(2) An applicant who is an individual is also eligible to receive further assistance under the scheme if—

(a) the applicant received assistance under the scheme before the commencement of this subsection in relation to the purchase of an eligible zero emission vehicle; and

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(b) the applicant gives the authority relevant evidence for a relevant financial year showing that—

(i) if the applicant does not have a spouse—the taxable income of the applicant for the year is $180,000 or less; or

(ii) if the applicant has a spouse—the combined taxable income of the applicant and the applicant's spouse for the year is $180,000 or less; and

(c) a person has not, in another State, received a rebate, grant or subsidy to offset the cost of purchasing the vehicle.

(3) In this section—

relevant evidence means—

(a) a notice of assessment issued under the *Income Tax Assessment Act 1997* (Cwlth); or

(b) other evidence, to the satisfaction of the authority, about an individual's taxable income.

relevant financial year means—

(a) the most recent financial year before the application is made; or

(b) if there is no relevant evidence for the financial year mentioned in paragraph (a)—the financial year before that financial year.

spouse, of an individual, means the individual's spouse within the meaning of the *Income Tax Assessment Act 1997* (Cwlth).

taxable income, of an individual, means the individual's taxable income within the meaning of the *Income Tax Assessment Act 1997* (Cwlth).

9 Eligibility criteria—assistance for eligible entities

(1) An applicant is eligible to receive assistance under the scheme for an eligible entity if—

(a) the applicant is—

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(i) for an entity that is an eligible business—the owner of the business; or

(ii) for an entity that is an eligible non-profit organisation—the non-profit organisation; and

(b) on or after 16 March 2022, the applicant—

(i) purchased an eligible zero emission vehicle from a motor dealer in Queensland; and

(ii) registered the vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* in the name of the owner of the eligible business or the eligible non-profit organisation; and

(c) when the applicant purchased the vehicle, the vehicle—

(i) had not previously been registered in Queensland or elsewhere; and

(ii) had a dutiable value of—

(A) if the applicant purchased the vehicle before 21 April 2023—$58,000 or less; or

(B) if the applicant purchased the vehicle on or after 21 April 2023—$68,000 or less; and

(d) the applicant did not finance the purchase of the vehicle under a lease; and

(e) the applicant has not received assistance under the scheme for the eligible entity for more than 4 eligible zero emission vehicles purchased in the same financial year; and

(f) a person has not, in another State, received a rebate, grant or subsidy to offset the cost of purchasing the vehicle.

(2) In this section—

owner, of an eligible business, means the sole trader, partnership, private company, public company or trust that carries on the business.

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10 Scheme open from 1 July 2022

The scheme—

(a) opens on 1 July 2022; and

(b) closes when the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme.

11 Requirements for applications

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

(a) be made on the application form approved by the authority; and

(b) be accompanied by the documents stated in the application form; and

(c) be given to the authority while the scheme is open under section 10.

(2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

12 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 11(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 sufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 43 Electric vehicle charging infrastructure scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage the use of electric vehicles by providing financial assistance for the installation or upgrade of infrastructure for charging electric vehicles for public use.

2 Purpose of assistance

The purpose of financial assistance under the scheme is to help particular entities pay for projects that install or upgrade infrastructure for charging electric vehicles for public use.

3 Definitions for scheme

In this schedule—

approved form means a form approved by the authority.

eligible project see section 4.

priority zone A means any of the following places—

(a) Agnes Water;

(b) Airlie Beach;

(c) Bundaberg;

(d) Cairns;

(e) Emu Park;

(f) Gladstone;

(g) Hervey Bay;

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(h) Ingham;

(i) Mackay;

(j) Rainbow Beach;

(k) Rockhampton;

(l) Seventeen Seventy;

(m) Tannum Sands;

(n) Toowoomba;

(o) Yeppoon.

priority zone B means any of the following places—

(a) Alpha;

(b) Atherton;

(c) Augathella;

(d) Banana;

(e) Biloela;

(f) Dalby;

(g) Gayndah;

(h) Goomeri;

(i) Mareeba;

(j) Mitchell;

(k) Monto;

(l) Moonie;

(m) Nanango;

(n) Pentland;

(o) Tambo;

(p) Taroom.

priority zone C means any place that is not within priority zone A or priority zone B.

scheme means the scheme set out in this schedule.

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4 Meaning of *eligible project*

(1) An ***eligible project*** is a project the authority is satisfied will install or upgrade infrastructure for charging electric vehicles, with the following characteristics—

(a) charging bays allowing access to charging stations that are able to charge vehicles at a rate of at least 75kW DC for each hour;

(b) at least 1 charging station with a charging plug that can charge at a rate of at least 22kW AC or DC;

(c) charging stations powered solely by renewable energy;

(d) for charging stations within priority zone A—at least 4 charging bays;

(e) for charging stations within priority zone B or priority zone C—at least 2 charging bays;

(f) charging bays available for public use.

(2) In this section—

charging bay means a space designed to park an electric vehicle for charging the vehicle.

charging plug means a part of the charging station that can be plugged into an electric vehicle to charge the vehicle.

charging station means equipment for charging an electric vehicle.

Part 2 General provisions for scheme

5 Nature and amount of assistance

(1) The nature of assistance available under the scheme is a grant of financial assistance to an entity for an eligible project.

(2) The amount of financial assistance available is up to 50% of the total project cost for an eligible project, to a maximum amount of $3m.

(3) In this section—

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total project cost, for an eligible project—

(a) means the total of the capital costs for—

(i) purchasing infrastructure for the project; and

(ii) installing and commissioning the infrastructure; but

(b) does not include a cost—

(i) related to purchasing land on which the infrastructure will be installed; or

(ii) related to preparing an expression of interest or application for financial assistance under the scheme; or

(iii) related to sales or promotional activity for the project; or

(iv) incurred after the infrastructure is installed and ready for use, including for example, any cost for ongoing maintenance, administration, operation or subsequent improvement of the infrastructure.

6 Scheme to operate in 2 stages

(1) The scheme will operate in 2 stages.

(2) The first stage of the scheme is an expression of interest stage.

(3) The second stage of the scheme is an application stage.

(4) The first stage 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 financial assistance under the scheme may be made.

(5) The first stage of the scheme will close on the day stated on the authority's website as the day on which the stage closes.

7 Eligibility criteria

(1) For an entity to receive financial assistance under the scheme the entity must—

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(a) be carrying out activities that benefit Queensland's economy or support communities in Queensland; and

(b) be applying for financial assistance for an eligible project; and

(c) not have received other government funding for the eligible project.

(2) In this section—

***government funding*—**

(a) means funding, other than a loan, provided by the Commonwealth government, the government of a State or a local government; but

(b) does not include funding contributed to an eligible project by the entity undertaking the project.

8 Expression of interest stage

(1) Before an entity may apply for financial assistance under the scheme, the entity must give the authority an expression of interest in applying for financial assistance under the scheme.

(2) The expression of interest must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority on or before the day mentioned in section 6(5).

(3) The authority must decide to accept or reject each expression of interest made by an entity under subsections (1) and (2).

(4) If the authority decides to accept the expression of interest, the authority must give the entity a written notice stating—

(a) the entity is invited to apply for financial assistance under the scheme; and

(b) the day on or before which the application must be made.

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(5) If the authority decides to reject the expression of interest, the authority must give the entity written notice of the decision.

9 Application stage

(1) An application for financial assistance under the scheme may be made only by an entity invited by the authority to apply for assistance under section 8(4).

(2) The application must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority on or before the day stated in the notice given under section 8(4) to the entity applying for assistance.

(3) If the authority asks an entity to provide further information to decide the entity's application, the entity must provide the information.

10 Deciding applications

(1) The authority must decide to approve or refuse to approve each application made under section 9.

(2) The authority may, with the agreement of the entity applying for assistance, approve an amount of financial assistance that is less than the amount applied for.

(3) The authority must refuse to approve an application for financial assistance if the authority's assistance funds for the scheme are not enough to pay for the assistance.

(4) If the authority refuses to approve an application made by an entity, the authority must give the entity written notice of the decision.

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11 Priority of consideration for approval of applications

(1) The authority must consider approving applications for financial assistance for eligible projects under the scheme in the following order of priority—

(a) firstly—applications the authority considers will provide the greatest benefit to an area within priority zone A or priority zone B in relation to the scheme's objective;

(b) secondly—applications the authority considers will provide the greatest benefit to an area within priority zone C in relation to the scheme's objective.

(2) Without limiting subsection (1), the authority may consider the following matters in relation to prioritising an application for financial assistance for an eligible project—

(a) whether the project represents reasonable value for money;

(b) the location of, and demand for, the project;

(c) the quality of the project design;

(d) how and when the project will be operational and fit for use;

(e) the demonstrated experience and knowledge of the persons who will be installing or upgrading infrastructure for the project;

(f) the extent to which the project may create or support employment or economic growth in a priority zone.

12 Conditions of assistance

The payment to an entity of a grant of financial assistance under the scheme is subject to the following conditions—

(a) before receiving the assistance, the entity must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the entity must comply with the terms of the agreement mentioned in paragraph (a).

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13 Payment of assistance

(1) The authority may make a grant of financial assistance under the scheme to an entity only if the authority is satisfied the entity has complied with the terms of the agreement mentioned in section 12.

(2) The authority may make the grant in a single payment or in instalments, at intervals decided by the authority.

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Schedule 44 Resilient Homes Assistance Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to help Queensland communities impacted by recent flooding events to recover quickly from flooding and to become more resilient to future flooding.

2 Purpose of assistance

The purpose of financial assistance under the scheme is to help owners of eligible homes—

(a) to repair or retrofit an eligible home to incorporate flood resilient design and materials to make the home more resilient to damage caused by flooding; or

(b) to raise an eligible home to make the home more resilient to flooding; or

(c) to relocate an eligible home to an area on the same land on which the home is located; or

(d) to demolish an eligible home and replace the eligible home with a new home; or

(e) to demolish an affected part of an eligible home and rebuild that part with a higher floor level.

3 Definitions for schedule

In this schedule—

affected part, of an eligible home, means a part of a home that—

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(a) was inundated by floodwaters during a disaster event mentioned in section 4(1)(c); or

(b) is below the flood hazard level that applies to the home.

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

demolition and replacement works means works to—

(a) demolish an eligible home and build a new home, or install a removable home, on the land on which the eligible home is located so that the lowest habitable floor level of the new home, or removable home, is at or above the higher of the following levels—

(i) the flood hazard level that applies to the home;

(ii) the flood event level that applies to the home; or

(b) demolish an eligible home if a new home has already been built with its lowest habitable floor level at or above the higher of the following levels—

(i) the flood hazard level that applies to the home;

(ii) the flood event level that applies to the home; or

(c) demolish an affected part of an eligible home and build a new part of the home so that the lowest floor level of the part is at or above the higher of the following levels—

(i) the flood hazard level that applies to the home;

(ii) the flood event level that applies to the home.

eligible home see section 4.

eligible works means—

(a) repair or retrofit works; or

(b) home raising works; or

(c) relocation works; or

(d) demolition and replacement works.

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flood event level, for a home, means the highest level at which floodwaters inundated the home during a disaster event mentioned in section 4(1)(c).

flood hazard level, that applies to a home, means the minimum habitable floor level of residential buildings as determined by the local government for the local government area in which the home is located.

granny flat—

(a) means a small building that—

(i) is capable of providing self-contained accommodation; and

(ii) is attached to land; and

(iii) is detached from the main building on the land used for residential purposes; and

(b) does not include a house, townhouse, unit or manufactured home.

habitable floor level, of a home or residential building, means the level of the floors of the habitable rooms of the home or building.

habitable room means a habitable room within the meaning of the National Construction Code.

hardship certificate means a certificate issued by the public works department stating that the chief executive of that department is satisfied that, due to exceptional circumstances, a stated person is unable to contribute to the cost of carrying out eligible works to the person's home.

home raising works—

(a) means works to raise all or part of an eligible home so an affected part is at or above the higher of the following levels—

(i) the flood hazard level that applies to the home;

(ii) the flood event level that applies to the home; and

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(b) includes preliminary investigation, design and approval works that are required to facilitate works mentioned in paragraph (a).

house means a single detached dwelling on a lot within the meaning of the *Land Title Act 1994*.

***licensed contractor*—**

(a) means—

(i) a person who holds an electrical licence under the *Electrical Safety Act 2002*; or

(ii) a person who holds a licence under the *Plumbing and Drainage Act 2018*; or

(iii) a person who holds a licence under the *Queensland Building and Construction Commission Act 1991*; or

(iv) a person registered as an architect under the *Architects Act 2002*; or

(v) a person who is a registered professional engineer under the *Professional Engineers Act 2002*; or

(vi) a person registered as a surveyor under the *Surveyors Act 2003*; and

(b) does not include the holder of an owner-builder permit under the *Queensland Building and Construction Commission Act 1991*, section 43E.

manufactured home means—

(a) a manufactured home under the *Manufactured Homes (Residential Parks) Act 2003*, section 10; or

(b) a caravan that has been modified so that it may not be moved from its position using the means ordinarily used to transport the caravan.

National Construction Code means the document called 'National Construction Code' published by the Australian Building Codes Board.

owner, of a home, means—

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(a) for a house—

(i) the registered owner, of the lot on which the house is located, under the *Land Title Act 1994*; or

(ii) the lessee, for the land on which the house is located, under the *Land Act 1994* if the lease allows for the residential occupation of a home on the land; or

(iii) the lessee, for a home ownership lease over the land on which the house is located, under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*; or

(b) for a townhouse or unit—

(i) the registered owner of the lot, that is the townhouse or unit, under the *Body Corporate and Community Management Act 1997*; or

(ii) the proprietor of the lot, that is the townhouse or unit, under the *Building Units and Group Titles Act 1980*; or

(c) for a granny flat—

(i) the registered owner, of the lot on which the flat is located, under the *Land Title Act 1994*; or

(ii) the person who, under any arrangement, resides at the flat and has responsibility for making significant repairs or modifications to the flat; or

(d) for a manufactured home—the home owner for the manufactured home under the *Manufactured Homes (Residential Parks) Act 2003*, section 10; or

(e) for another home—the person the authority is satisfied owns the home on the basis of an arrangement or document evidencing that the person is the owner or is treated as the owner by the entity that owns the land on which the home is located.

public works department means the department in which the *Building Act 1975* is administered.

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relocation works means works to relocate an eligible home to a new location on the land on which the eligible home is located so that the habitable floor level of the eligible home is at or above the higher of the following levels—

(a) the flood hazard level that applies to the home;

(b) the flood event level that applies to the home.

removable home means a home that may be—

(a) relocated from a location other than the land on which an eligible home is located; and

(b) established on the land on which an eligible home was located before it was demolished.

Example—

relocating a house that was removed from the land on which the house was originally built

repair or retrofit works means works to repair or retrofit an eligible home to incorporate flood resilient design and materials in the home.

scheme means the scheme set out in this schedule.

townhouse means 1 or more attached dwellings that are separated by a common wall.

unit means a dwelling that is a lot under—

(a) the *Body Corporate and Community Management Act 1997*; or

(b) the *Building Units and Group Titles Act 1980*.

value for money certificate means a certificate issued by the public works department stating that the eligible works carried out, or to be carried out, to a particular eligible home represent value for money.

4 What is an *eligible home*

(1) A home is an ***eligible home*** if—

(a) the home is a house, townhouse, unit, granny flat or manufactured home; and

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(b) the home is used primarily as a residence; and

(c) the home is located in a local government area identified as a DRFA activated area in any of the following documents published by the Queensland Reconstruction Authority on its website—

(i) 'Disaster Recovery Funding Arrangements event Central, Southern and Western Queensland Rainfall and Flooding, 10 November–3 December 2021';

(ii) 'Disaster Recovery Funding Arrangements event Ex-Tropical Cyclone Seth, 29 December 2021–10 January 2022';

(iii) 'Disaster Recovery Funding Arrangements event South East Queensland Rainfall and Flooding, 22 February 2022–5 April 2022';

(iv) 'Disaster Recovery Funding Arrangements event Southern Queensland Flooding, 06–20 May 2022'; and

(d) parts of the home within the building envelope for the home were inundated by floodwaters during a disaster event mentioned in paragraph (c).

(2) In this section—

building envelope, for a home—

(a) means the outermost sides of the aggregation of the components of the home that have the primary function of separating the internal part of the home from the external environment; and

(b) includes the foundations of the home.

Part 2 General provisions for scheme

5 Nature of assistance

(1) The nature of the assistance available under the scheme is a grant of financial assistance to carry out eligible works to an eligible home.

(2) However, financial assistance may be granted for only 1 type of eligible works.

Note—

The types of eligible works are—

(a) repair or retrofit works; and

(b) home raising works; and

(c) relocation works; and

(d) demolition and replacement works.

5A Amount of financial assistance—repair or retrofit works

(1) The maximum amount of financial assistance available under the scheme for repair or retrofit works is the full cost of the works subject to a 50% contribution from the applicant to the extent the works cost more than $50,000.

(2) The repair or retrofit works must be for a part of an eligible home that is below either of the following levels—

(a) the flood hazard level that applies to the home;

(b) the flood event level that applies to the home.

5B Amount of financial assistance—home raising works

(1) The maximum amount of financial assistance available under the scheme for home raising works is—

(a) for category A works—the full cost of the works subject to a 50% contribution from the applicant to the extent the works cost more than $150,000; or

(b) for category B works—$150,000; or

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(c) for category C works—$50,000.

(2) However, financial assistance is available under the scheme for home raising works only if the report for the eligible home assessment mentioned in section 6(1)(d) states that it is practicable to raise the eligible home.

(3) Home raising works for an eligible home are ***category A works*** if the habitable floor level of the home is below—

(a) the flood hazard level that applies to the home; and

(b) the flood event level that applies to the home.

(4) Home raising works for an eligible home are ***category B works*** if category A does not apply but the habitable floor level of the home is below—

(a) the flood hazard level that applies to the home; or

(b) the flood event level that applies to the home.

(5) Home raising works for an eligible home are ***category C works*** if the works are not category A works or category B works.

5C Amount of financial assistance—relocation works

(1) The maximum amount of financial assistance available under the scheme for relocation works is—

(a) for category A works—$150,000; or

(b) for category B works—$50,000.

(2) Relocation works for an eligible home are ***category A works*** if the habitable floor level of the home is below—

(a) the flood hazard level that applies to the home; or

(b) the flood event level that applies to the home.

(3) Relocation works for an eligible home are ***category B works*** if the works are not category A works.

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5D Amount of financial assistance—demolition and replacement works

(1) The maximum amount of financial assistance available under the scheme for demolition and replacement works is—

(a) for category A works—$150,000; or

(b) for category B works—$50,000.

(2) Demolition and replacement works for an eligible home are ***category A works*** if the habitable floor level of the home is below—

(a) the flood hazard level that applies to the home; or

(b) the flood event level that applies to the home.

(3) Demolition and replacement works for an eligible home are ***category B works*** if the works are not category A works.

5E Additional assistance for hardship

(1) This section applies if—

(a) an application for financial assistance under the scheme is for either of the following types of eligible works—

(i) repair or retrofit works;

(ii) category A home raising works; and

(b) the applicant is the stated person for a hardship certificate.

(2) Despite sections 5A(1) and 5B(1)(a), the amount of financial assistance available under the scheme for the eligible works is not subject to a contribution from the applicant.

(3) In this section—

category A home raising works means home raising works that are category A works under section 5B(3).

5F Multiple eligible homes on same property

(1) This section applies if there are 2 or more eligible homes on the same property.

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(2) The maximum amount of financial assistance available under the scheme for eligible works under sections 5A to 5D applies to all the eligible homes on the property collectively.

Example—

If there are 2 eligible homes on the same property, the maximum amount of financial assistance available under the scheme for category B relocation works to both houses is $50,000 (and not $50,000 for each house).

(3) The maximum amount of financial assistance available under the scheme for eligible works is to be divided between the grants of financial assistance relating to the homes in the following way—

(a) if all the owners of the eligible homes apply for a grant of financial assistance at the same time and have agreed how the amount of financial assistance is to be divided—the agreed way;

(b) otherwise—the way decided by the authority.

(4) However, unless subsection (3)(a) applies, the division of the maximum amount of financial assistance under this section is to be applied in a way that benefits earlier applications over later applications.

Example—

Houses 1 and 2 are eligible homes on the same property. The cost of category B home raising works to each house is $170,000. The owner of house 1 applies for a grant of financial assistance for the full amount of the works (***house 1 application***). As the owner of house 2 has not applied for a grant of financial assistance when the house 1 application is being decided, the maximum amount of financial assistance available under the scheme for the house 1 application is $150,000 and no amount of financial assistance would be available under the scheme for house 2.

(5) This section—

(a) applies regardless of whether the eligible homes have different owners; and

(b) does not apply to an eligible home that is a manufactured home located in a residential park under a site agreement.

(6) In this section—

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category B home raising works means home raising works that are category B works under section 5B(4).

category B relocation works means relocation works that are category B works under section 5C(3).

property means—

(a) a lot within the meaning of the *Land Title Act 1994* but does not include a lot under the *Building Units and Group Titles Act 1980*; or

(b) land subject to a lease held under the *Land Act 1994*.

residential park see the *Manufactured Homes (Residential Parks) Act 2003*, section 12.

site agreement see the *Manufactured Homes (Residential Parks) Act 2003*, section 14.

6 Eligibility for assistance

(1) An applicant is eligible to receive a grant of financial assistance under the scheme for carrying out works to a home if—

(a) the applicant is the owner of the home; and

(b) the works are eligible works; and

(c) the home is an eligible home; and

(d) an eligible home assessment has been completed for the home and—

(i) for works that have not been started—the report for the assessment identifies the works as eligible works suitable to be carried out to the home; or

(ii) for works that have been started or are completed—the report for the assessment confirms that the works—

(A) are eligible works; and

(B) are being, or were, carried out by a licensed contractor; and

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(C) are being, or were, carried out because of inundation by floodwaters during a disaster event mentioned in section 4(1)(c); and

(e) the applicant—

(i) has obtained a quote from a licensed contractor to carry out the works; or

(ii) has been given an invoice for carrying out the works from the licensed contractor who carried out the works; or

(iii) has a receipt for payment to a licensed contractor who carried out the works; or

(iv) has entered into a contract with a licensed contractor for the carrying out of the works; and

(f) the public works department has issued a value for money certificate for the eligible works; and

(g) if the applicant is required to make a 50% contribution to the cost of the eligible works—the applicant is able to make the contribution.

Note—

See sections 5A to 5F for whether an applicant is required to make a contribution to the cost of eligible works.

(2) However, the applicant is only eligible for conditional approval of a grant of financial assistance under the scheme if the applicant—

(a) does not have a receipt for payment to the licensed contractor who carried out the works; or

(b) has not entered into a contract with a licensed contractor for the carrying out of the works.

(3) Despite subsection (1), an applicant is not eligible to receive financial assistance under the scheme for carrying out eligible works to a home if the applicant has received any combination of the following to a total amount equal to or more than the maximum amount of financial assistance available to the applicant under the scheme for carrying out the eligible works—

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(a) a grant of financial assistance under the scheme for the home;

(b) funding for the eligible works under another government scheme.

(3A) Subsection (3B) applies if—

(a) the applicant has received a grant or funding mentioned in subsection (3)(a) or (b) for the eligible works; and

(b) the total amount of the grant or funding received by the applicant is less than the maximum amount of financial assistance that would otherwise be available to the applicant under the scheme for carrying out the eligible works.

(3B) Despite sections 5A to 5D, the maximum amount of financial assistance the applicant may receive under the scheme for carrying out the eligible works is limited to the difference between—

(a) the maximum amount of financial assistance that would otherwise be available to the applicant under the scheme for carrying out the eligible works; and

(b) the total amount of the grant or funding mentioned in subsection (3)(a) or (b) received by the applicant.

(4) This section applies subject to section 7.

(5) In this section—

eligible home assessment means an assessment of a home, undertaken by or for the public works department, to identify the eligible works that may be suitable to be carried out to the home or to identify if works done to the home are eligible works.

government scheme means a scheme for providing financial assistance that is administered or funded by a local government, the State or the Commonwealth.

7 Effect of insurance

(1) This section applies if—

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(a) an applicant applies for a grant of financial assistance under the scheme for carrying out the following eligible works to an eligible home—

(i) repair and retrofit works;

(ii) demolition and replacement works; and

(b) damage to the eligible home was caused by any of the following during a disaster event mentioned in section 4(1)(c)—

(i) inundation by floodwaters;

(ii) storms;

(iii) stormwater runoff;

(iv) rainwater damage; and

(c) a policy of insurance over the eligible home may cover all or some of the damage (the ***insurance***).

(2) The applicant is not eligible to receive financial assistance under the scheme until—

(a) a claim is made under the policy of insurance for the damage; and

(b) the insurer either—

(i) accepts liability to pay an amount for the damage or to pay for repairing the damage; or

(ii) rejects the claim.

(3) If the insurance covers the full cost of the eligible works, the applicant is not eligible to receive financial assistance under the scheme.

(4) However, subsections (2) and (3) apply to an insurance claim only to the extent the insurance claim relates to damage that would be addressed by the eligible works for which the financial assistance is sought.

(5) If the insurance covers part of the cost of the eligible works, the financial assistance the applicant may receive under the scheme is limited to the extent to which the insurance does not cover the cost of the eligible works.

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Example—

If the cost of the eligible works is $40,000 and the insurer is to pay $8,000 in relation to the eligible works, the amount of financial assistance the applicant may receive under the scheme for the eligible works is limited to $32,000.

(6) For subsections (3) and (5), the extent to which the insurance covers the cost of eligible works is the extent to which—

(a) the insurer accepts liability to pay for the eligible works; or

(b) under the policy of insurance, the insurer pays the policy holder an amount for the damage.

(7) For subsection (6)(b), if the insurer gave the policy holder an itemised breakdown of what the payment relates to, the amount of the payment does not include that part of the payment that is for something other than the eligible works.

Example—

If the insurer pays the policy holder an amount of $15,000 for the damage and, under the itemised breakdown of the payment, $5,000 of the payment is for replacement of a damaged rain water tank and fence, the amount of the payment for subsection (6)(b) is $10,000.

(8) In this section—

insurer means the insurer under the policy of insurance mentioned in subsection (1)(c).

8 Requirement for applications

(1) An application for a grant of financial assistance under the scheme must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority no later than the closing date for applications decided by the authority.

(2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information to the authority.

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(2A) The closing date decided by the authority under subsection (1)(c) must be published on the public works department's website.

(3) In this section—

approved form means a form approved by the authority.

9 Deciding applications

(1) This section applies to each application for a grant of financial assistance under the scheme that complies with section 8.

(2) The authority must consider, and decide to approve or refuse to approve, the application.

(3) The authority may, with the agreement of the applicant, approve an amount of financial assistance that is less than the amount sought in the application.

(4) The authority must refuse to approve the application if the authority's assistance funds for the scheme are not enough to pay for the amount of financial assistance applied for in the application.

(5) If the authority refuses to approve the application, the authority must give the applicant written notice of the decision.

10 Priority of consideration for applications

The authority must consider applications in the order they are received by the authority.

11 Conditional approval

(1) This section applies if—

(a) the authority approves an application for a grant of financial assistance for carrying out eligible works to an eligible home; and

(b) the applicant is only eligible for conditional approval of the grant under section 6(2).

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(2) The approval is subject to a condition requiring the applicant—

(a) to give the authority a copy of a receipt for payment to the licensed contractor who carried out the eligible works; or

(b) to—

(i) enter into a contract with a licensed contractor for the carrying out of the eligible works; and

(ii) give the authority a copy of the contract.

(3) The condition mentioned in subsection (2)(b) is satisfied only if the authority is satisfied the contract is consistent with the quote or invoice the applicant gave the authority as part of the application.

(4) Despite subsection (2), if the cost of carrying out the eligible works is less than $3,300, the approval is subject to a condition requiring the applicant to give the authority a copy of—

(a) a quote for carrying out the eligible works and written acceptance of the quote; or

(b) a contract for carrying out the eligible works; or

(c) a receipt of payment for carrying out the eligible works.

12 Payment of financial assistance

(1) This section applies if the authority approves an application for a grant of financial assistance for carrying out eligible works to an eligible home.

(2) However, if the applicant is only eligible for a conditional approval under section 6(2), this section does not apply unless the condition mentioned in section 11(2) or (4) has been satisfied.

(3) The authority must pay the financial assistance directly to the following person—

(a) to the extent the applicant has paid for the eligible works—the applicant;

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(b) otherwise—the licensed contractor who carried out the eligible works or is contracted to carry out the eligible works.

(4) The authority may pay the financial assistance in a single payment or in instalments, at intervals decided by the authority.

Example—

The authority may pay the financial assistance in instalments consistent with the milestone payments under a contract for carrying out the eligible works.

(5) For the purpose of a contract for carrying out the eligible works, a payment made under subsection (3)(b) is made on behalf of the entity that is liable to pay for the works under the contract.

(6) This section applies subject to sections 7 and 13.

13 Conditions of financial assistance

(1) This section applies if the authority approves an application for a grant of financial assistance under the scheme for carrying out eligible works to an eligible home.

(2) The payment of financial assistance is subject to the following conditions—

(a) the applicant must enter into a written agreement with the authority setting out the terms on which the financial assistance is provided (the ***payment agreement***);

(b) the applicant must comply with the terms of the payment agreement.

(3) The applicant must repay all or part of the financial assistance if—

(a) the applicant is unable to secure access to particular land for the purpose of carrying out the eligible works; or

(b) the eligible works can not be carried out to the home for any reason; or

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(c) the cost of carrying out the eligible works is, on completion of the works, less than the amount of the financial assistance; or

(d) the authority is satisfied the application, or a document accompanying the application, includes information that is false or misleading in a material particular.

(4) The authority may decide the amount to be repaid under subsection (3).

(5) The authority may withhold payment of all or part of the financial assistance if satisfied—

(a) the applicant has not complied with the terms of the payment agreement; or

(b) the application, or a document accompanying the application, includes information that is false or misleading in a material particular.

14 Changes affecting eligible works

(1) This section applies if the authority made a grant of financial assistance under the scheme for carrying out eligible works to an eligible home and any of the following changes happen—

(a) there is a change to the licensed contractor who is to carry out the eligible works;

(b) there is a change in the scope of the eligible works under the approved contract;

(c) there is a change in the costs of carrying out the eligible works under the approved contract.

(2) The applicant must give the authority written notice of the change.

(3) The authority must, as soon as practicable after receiving the written notice—

(a) notify the public works department of the applicant's written notice of the change; and

(b) request the public works department to—

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(i) issue a new value for money certificate for the eligible works; and

(ii) give the authority the new certificate.

(4) The authority must, as soon as practicable after receiving the new value for money certificate issued under subsection (3)(b)(i), give the certificate to the applicant.

(5) If the authority or public works department asks the applicant to provide further information about the change, the applicant must provide the information to the authority or department.

(6) The authority may increase the amount of financial assistance paid under section 12 if the authority is satisfied—

(a) the change has caused an increase in the cost of carrying out the eligible works; and

(b) the public works department has issued a new value for money certificate for the eligible works.

(7) The authority may withhold any outstanding payment of financial assistance if satisfied the applicant has not complied with subsection (2) or (5).

(8) In this section—

approved contract, in relation to eligible works and a grant of financial assistance under the scheme, means the contract to carry out the eligible works that formed the basis of the applicant's eligibility for the assistance.

15 Change in circumstances causing hardship

(1) This section applies if—

(a) an application for a grant of financial assistance has been approved for eligible works mentioned in section 5E(1)(a); and

(b) the amount of the assistance is subject to a contribution from the applicant; and

(c) the applicant believes that, due to exceptional circumstances after the approval has been given, the

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applicant is unable to contribute to the cost of the eligible works; and

(d) the applicant is seeking a hardship certificate from the public works department.

(2) The applicant may notify the authority of the exceptional circumstances.

(3) If the public works department issues a hardship certificate to the applicant, the authority may increase the amount of financial assistance paid to the applicant under section 12 by the amount outstanding for the eligible works.

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Schedule 45 Brisbane River tourism berthing assistance scheme

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

The objectives of the scheme are—

(a) to assist owners of eligible businesses who incur eligible berthing expenses in renting alternative berths at relevant commercial marinas for use by eligible vessels; and

(b) to increase the number of berths in the eligible area that are suitable for use by eligible vessels.

2 Purposes of assistance

The purposes of assistance under the scheme are—

(a) to provide financial assistance to the owners of eligible businesses to offset the cost of renting alternative berths at relevant commercial marinas for use by eligible vessels during the relevant period; and

(b) to provide financial assistance to the owners of eligible businesses to help them pay for eligible projects that upgrade or install berthing infrastructure at relevant commercial marinas to provide berths suitable for use by eligible vessels.

3 Definitions for schedule

In this schedule—

alternative berth see section 11(2)(c).

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applicant means an entity applying for assistance under the scheme.

berthing expenses grant see section 9(2).

certificate of operation means a certificate of operation issued under the domestic commercial vessel national law, section 48.

domestic commercial vessel national law has the meaning given by the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*, section 20.

eligible area means the parts of the Brisbane River and adjoining waterways that are within a 10km radius of the post office in the Brisbane CBD known as the Brisbane General Post Office.

eligible berthing expense see section 4.

eligible business see section 5.

eligible infrastructure expense see section 6.

eligible project see section 7.

eligible vessel see section 8.

government entity means—

(a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or

(b) a local government; or

(c) a government owned corporation; or

(d) an Australian government agency or sovereign entity within the meaning of the *Income Tax Assessment Act 1997* (Cwlth); or

(e) an entity that is wholly owned by an entity mentioned in paragraph (a), (b), (c) or (d).

minor infrastructure grant see section 10(2).

owner, of an eligible business, means the sole trader, partnership, private company, public company or trust that carries on the business.

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private sector entity means an entity that is not owned, either wholly or partly, by a government entity.

relevant commercial marina means a marina or wharf—

(a) owned or operated by a private sector entity; and

(b) located in the eligible area; and

(c) at which berths are ordinarily available to rent for the use of vessels used for commercial purposes.

relevant period means the period—

(a) starting on 1 July 2022; and

(b) ending on 30 June 2024.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible berthing expense*

(1) An ***eligible berthing expense*** is a cost incurred during the relevant period for renting an alternative berth at a relevant commercial marina for use by an eligible vessel.

(2) However, the following costs are not ***eligible berthing expenses***—

(a) a cost paid before 1 July 2022;

(b) incidental costs of berthing an eligible vessel;

Examples—

the costs of electricity, water and cleaning

(c) costs associated with owning a berth.

5 Meaning of *eligible business*

(1) A business is an ***eligible business*** if—

(a) the business's primary activity is providing tourism services in the eligible area using 1 or more eligible vessels; and

(b) the owner of the business—

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(i) holds an Australian Business Number for the business; and

(ii) has continuously held the same Australian Business Number for the business since 1 July 2022; and

(c) the business is, and has since 1 July 2022 been, registered for GST; and

(d) 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 or trust—the partners in the partnership or trustees of the trust;

(iv) if an owner of the business is a private company or a public company—the company or the directors of the company; and

(e) the business employs, and has since 1 July 2022 employed, at least 1 full-time employee or equivalent full-time employee.

(2) For subsection (1)(e), the number of equivalent full-time employees of a business is worked out using the formula—

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

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.

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(3) However, a business is not an eligible business if the business is carried on by a government entity.

(4) In this section—

employee, of a business—

(a) means an individual who is employed, or usually employed, in the business; and

(b) includes an owner of the business; and

(c) does not include 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 who ordinarily works at least 35 hours each week in the business.

6 Meaning of *eligible infrastructure expense*

(1) An ***eligible infrastructure expense*** is a cost incurred, or to be incurred, during the relevant period in relation to carrying out work for an eligible project, including, for example, the cost of—

(a) obtaining a permit or other approval (however described) required for carrying out the work; and

(b) purchasing infrastructure; and

(c) repairing, improving or replacing existing infrastructure; and

(d) installing and commissioning infrastructure.

Examples—

- costs incurred in expanding an existing jetty or pontoon
- costs incurred in installing infrastructure for utilities, including electricity and water, to support the use of a berth

(2) However, an ***eligible infrastructure expense*** does not include—

(a) a cost paid before 1 July 2022; or

(b) a cost incurred after the infrastructure is installed and ready for use, including, for example, any cost for

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ongoing maintenance, administration, operation or subsequent improvement of the infrastructure.

7 Meaning of *eligible project*

An ***eligible project*** is a project the authority is satisfied will upgrade or install infrastructure at a relevant commercial marina to provide berths suitable for use by eligible vessels.

8 Meaning of *eligible vessel*

An ***eligible vessel*** is a vessel that—

(a) is capable of carrying people or goods through water; and

Examples—

bare boats, jet skis, motor vessels, sail boats

(b) is ordinarily used to provide tourism services in the eligible area; and

(c) ordinarily requires a berth located in the eligible area to provide the tourism services; and

(d) if the operation of the vessel is required under the domestic commercial vessel national law to be authorised by a certificate of operation—is identified in a certificate of operation in force for the vessel.

Note—

See the domestic commercial vessel national law, sections 53 and 54.

Part 2 General provisions for scheme

9 Nature and amount of assistance—berthing expenses grant

(1) This section applies in relation to an applicant who is eligible to receive assistance under section 11 in relation to an eligible business.

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(2) The nature of assistance available under the scheme is a grant of financial assistance to offset the eligible berthing expenses incurred in relation to an eligible vessel (a ***berthing expenses grant***).

(3) For each eligible vessel of a length of not more than 25m, the maximum amount of assistance under the scheme for a financial year is the lesser of the following amounts—

(a) $37,500;

(b) 50% of the eligible berthing expenses (excluding GST) incurred in relation to the eligible vessel.

(4) For each eligible vessel of a length of more than 25m, the maximum amount of assistance under the scheme for a financial year is the lesser of the following amounts—

(a) $70,000;

(b) 50% of the eligible berthing expenses (excluding GST) incurred in relation to the eligible vessel.

10 Nature and amount of assistance—minor infrastructure grant

(1) This section applies in relation to an applicant who is eligible to receive assistance under section 12 in relation to an eligible business.

(2) The nature of assistance available under the scheme is a grant of financial assistance for eligible infrastructure expenses for an eligible project (a ***minor infrastructure grant***).

(3) The maximum amount of assistance for a minor infrastructure grant is the total of—

(a) the lesser of the following amounts—

(i) $50,000;

(ii) 50% of the total amount of the eligible infrastructure expenses (excluding GST) for the eligible project; and

(b) the amount of any GST payable by the authority in respect of the assistance mentioned in paragraph (a).

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11 Eligibility criteria—berthing expenses grant

(1) An applicant for a berthing expenses grant is eligible to receive financial assistance under the scheme if—

(a) the applicant is the owner of an eligible business; and

(b) the authority is satisfied of the matters mentioned in subsection (2).

(2) For subsection (1)(b), the matters are—

(a) immediately before 1 July 2022, the eligible business was renting a berth located within the eligible area for use by an eligible vessel (the ***usual berth***); and

(b) on or after 1 July 2022, the eligible vessel became unable to use, and can no longer use, the usual berth because—

(i) the owner or operator of the usual berth has given the eligible business notice that the usual berth is no longer available to rent for use by the vessel; or

(ii) the eligible business is experiencing, or has experienced, financial hardship because of action taken by the owner or operator of the usual berth in relation to the cost of renting the berth for use by the vessel; and

(c) for the eligible business to provide tourism services in the eligible area, it has been necessary for the eligible business to rent another berth (an ***alternative berth***) at a relevant commercial marina for use by the eligible vessel; and

(d) the applicant has received and paid a tax invoice for eligible berthing expenses for use of the alternative berth by the eligible vessel.

12 Eligibility criteria—minor infrastructure grant

(1) An applicant for a minor infrastructure grant is eligible to receive financial assistance under the scheme if—

(a) the applicant is the owner of an eligible business; and

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(b) the applicant is applying for financial assistance for an eligible project to provide a berth for use by an eligible vessel; and

(c) the applicant demonstrates to the satisfaction of the authority that—

(i) the matters mentioned in section 11(2)(a) and (b) apply in relation to the eligible vessel; and

(ii) the applicant has the ability to pay the remaining cost of the eligible project; and

(iii) if the total cost of the eligible infrastructure expenses for the eligible project is more than $10,000 (excluding GST)—

(A) the applicant has obtained at least 2 quotes for the eligible project; or

(B) despite making reasonable attempts, the applicant has not been able to obtain at least 2 quotes for the eligible project, but the project represents value for money.

(2) In this section—

remaining cost, of an eligible project, means the difference between—

(a) the total amount of the eligible infrastructure expenses (including GST) for the eligible project; and

(b) the maximum amount of assistance under section 10(3) for a minor infrastructure grant for the eligible project.

13 Operation of scheme

(1) The scheme opens on 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.

(2) For assistance under the scheme for a berthing expenses grant, the scheme closes on the earlier of the following days—

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(a) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme;

(b) 30 June 2024.

(3) For assistance under the scheme for a minor infrastructure grant, the scheme closes on the earlier of the following days—

(a) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme;

(b) the closing day.

(4) For subsection (3)(b), the ***closing day*** is—

(a) if no day is stated under paragraph (b)—30 June 2023; or

(b) the day, not later than 30 June 2024, stated on the authority's website as the last day on which an application for assistance for a minor infrastructure grant may be made.

14 Applications generally

(1) An applicant may apply for either or both of the following types of financial assistance—

(a) a berthing expenses grant;

(b) a minor infrastructure grant.

(2) An applicant may make more than 1 application for a berthing expenses grant in relation to 1 or more eligible vessels.

(3) However, an applicant may make only 1 application for a minor infrastructure grant.

15 Requirements for applications—berthing expenses grant

(1) An application for a berthing expenses grant must—

(a) be made on the application form approved by the authority; and

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(b) be accompanied by the following documents—

(i) tax invoices, or copies of tax invoices, for eligible berthing expenses for the eligible vessel in relation to which the applicant is claiming assistance under the scheme;

(ii) documentary evidence, to the satisfaction of the authority, that the eligible vessel to which the eligible berthing expenses relate is ordinarily used for tourism services;

Example of documentary evidence for subparagraph (ii)—

a permit or other authority issued under an Act that applies in relation to the eligible vessel

(iii) if the operation of the eligible vessel is required under the domestic commercial vessel national law to be authorised by a certificate of operation—a copy of a certificate of operation in force for the vessel;

(iv) any other documents stated in the application form; and

(c) be given to the authority while the scheme is open under section 13.

(2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

16 Requirements for applications—minor infrastructure grant

(1) An application for a minor infrastructure grant must—

(a) be made on the application form approved by the authority; and

(b) be accompanied by the documents stated in the application form; and

(c) be given to the authority while the scheme is open under section 13.

(2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

17 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application under the scheme that complies with—

(a) for an application for a berthing expenses grant—section 15; or

(b) for an application for a minor infrastructure grant—section 16.

(2) The authority must consider applications in the order they are received by the authority.

(3) In considering an application, the authority must consider whether the assistance claimed by the applicant represents reasonable value for money.

(4) The authority must refuse to approve an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

(5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

Part 3 Additional provisions for minor infrastructure grants

18 Conditions of assistance

The payment to an applicant for a minor infrastructure grant of an amount of financial assistance under the scheme is subject to the following conditions—

(a) before the payment is made, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

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(b) the applicant must comply with the terms of the agreement.

19 Payment of assistance

For a minor infrastructure grant, the authority must pay the amount of the assistance approved in 2 instalments, of amounts and at intervals set out in the agreement entered into under section 18.

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Schedule 46 Medium to large business 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 medium to large businesses that are directly affected by an eligible disaster.

2 Purpose of scheme

The purpose of assistance under the scheme is to assist medium to large businesses affected by an eligible disaster to pay for—

(a) eligible recovery activities; or

(b) improving the businesses' resilience to natural disasters.

3 Definitions for schedule

In this schedule—

2021-2022 storm-flooding event see section 4(1).

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

defined disaster area, for an eligible disaster, see section 5.

disaster activation document see section 4(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

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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 see section 6.

eligible recovery activity see section 7.

livestock includes poultry.

medium to large business see section 8.

natural disaster see section 9.

primary production enterprise means a business that involves primary production, including the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries.

Queensland Reconstruction Authority means the authority established under the *Queensland Reconstruction Authority Act 2011*, section 7.

scheme means the scheme set out in this schedule.

4 Meaning of *2021-2022 storm-flooding event* and *disaster activation document*

(1) A ***2021-2022 storm-flooding event*** is an event identified in a disaster activation document as a disaster for which financial assistance has been activated.

(2) Each of the following documents published on the Queensland Reconstruction Authority's website is a ***disaster activation document***—

(a) 'Disaster Recovery Funding Arrangements event—Central, Southern and Western Queensland Rainfall and Flooding, 10 November – 3 December 2021';

(b) 'Disaster Recovery Funding Arrangements event—Ex-Tropical Cyclone Seth, 29 December 2021 – 10 January 2022';

(c) 'Disaster Recovery Funding Arrangements event—South East Queensland Rainfall and Flooding, 22 February - 5 April 2022';

(d) 'Disaster Recovery Funding Arrangements event—Southern Queensland Flooding, 06 – 20 May 2022'.

5 Meaning of *defined disaster area*

(1) A ***defined disaster area*** for a 2021-2022 storm-flooding event is a local government area identified in a disaster activation document as—

(a) a DRFA Activated Area; and

(b) an area eligible for exceptional assistance measures DRFA Category C or D.

(2) A ***defined disaster area*** for an eligible disaster, other than a 2021-2022 storm-flooding event, is an area—

(a) defined by the Minister responsible for administering the *Disaster Management Act 2003* for the purpose of activating the disaster recovery funding arrangements for a community affected by the eligible disaster; and

(b) identified in a document published on the Queensland Reconstruction Authority's website.

6 Meaning of *eligible disaster*

(1) An ***eligible disaster*** is any of the following—

(a) a 2021-2022 storm-flooding event;

(b) a natural disaster, other than a 2021-2022 storm-flooding event;

(c) a terrorist act.

(2) In this section—

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

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7 Meaning of *eligible recovery activity*

An ***eligible recovery activity***, for a medium to large business, includes any of the following activities undertaken by or for the business because of an eligible disaster—

(a) repairing or replacing damaged plant or equipment;

(b) repairing or replacing a building—

(i) to the standard existing before the eligible disaster; or

(ii) in a way that makes the building more resilient to a natural disaster;

(c) repairing the primary access to, and exit from, the business;

(d) relocating the business, or critical infrastructure of the business, to another area in the local government area in which the business is located or in an adjacent local government area, if the authority is satisfied the relocation—

(i) is to mitigate the effect of any potential future natural disaster; and

(ii) does not include making substantive improvements to the production capacity of the business;

(e) carrying out works for flood mitigation;

(f) purchasing livestock to replace livestock lost in the disaster;

(g) purchasing 1 month's supply of stock—

(i) to replace stock lost in the disaster; and

(ii) to enable the business to carry on its operations and maintain its liquidity;

(h) carrying out works or other acts that enable the business to carry on its operations, including—

(i) replanting, restoring or re-establishing areas of the business affected by the eligible disaster; or

(ii) paying rent and rates.

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8 Meaning of *medium to large business*

(1) A ***medium to large business*** is a business—

(a) that is—

(i) a primary production enterprise; or

(ii) an agricultural supply chain business; or

(iii) a non-agricultural supply chain business; and

(b) that is carried on by a sole trader, partnership, proprietary company or trust; and

(c) for which an entity holds an Australian Business Number; and

(d) that is registered for GST; and

(e) that is not operated by a public company within the meaning of the Corporations Act.

(2) In this section—

agricultural supply chain business means a business that distributes, processes or transports livestock or other goods associated with a primary production enterprise.

Examples—

abattoir, livestock or produce freight company, cannery

non-agricultural supply chain business means a business that manufactures, repairs, supplies or transports equipment or machinery for use by a primary production enterprise or agricultural supply chain business.

Examples—

an excavation or earthmoving company, a mechanical repair business

9 Meaning of *natural disaster*

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

(a) a bushfire;

(b) a cyclone;

(c) an earthquake;

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(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

Part 2 General provisions for scheme

10 Nature of assistance

(1) The nature of the assistance available under the scheme is a loan, at a concessional rate of interest, to be used to pay for the eligible cost of an eligible recovery activity.

(2) A loan under the scheme is not available to pay for—

(a) lost income; or

(b) the cost of direct damage caused by the eligible disaster for which the applicant receives, or is entitled to receive, an amount under an insurance policy; or

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(c) a cost, including a legal cost, associated with—

(i) an application under the scheme; or

(ii) an application under a disaster recovery funding arrangement; or

(d) a cost incurred before the eligible disaster occurred; or

(e) a cost to reinstate an asset to a higher standard than the asset was before the eligible disaster, unless the cost is to improve the asset's resilience to a natural disaster.

(3) In this section—

eligible cost, of an eligible recovery activity, includes the cost of the following—

(a) contractors or hire equipment associated with the eligible recovery activity;

(b) materials, goods, feed or livestock;

(c) consumables, including fuel, associated with the eligible recovery activity.

11 Amount of assistance

(1) The minimum amount of assistance under the scheme for a medium to large business for an eligible recovery activity is a loan of $250,000.

(2) The maximum amount of assistance under the scheme for a medium to large business for an eligible recovery activity is a loan of $5,000,000.

12 Eligibility criteria

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

(a) the applicant is a medium to large business; and

(b) assets (***damaged assets***) used by the applicant were—

(i) located in the defined disaster area for the disaster immediately before the eligible disaster; and

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(ii) damaged as a direct result of the eligible disaster; and

(c) the applicant can not repair or replace damaged assets from the applicant's own resources and without assistance under the scheme; and

(d) the applicant is primarily responsible for meeting the costs of an eligible recovery activity claimed in the application; and

(e) the applicant has not received a loan for loss or damage related to the eligible disaster under—

(i) the Disaster Assistance (Primary Producers) Loans Scheme, set out in schedule 2; or

(ii) the Disaster Assistance (Small Business) Loans Scheme, set out in schedule 3; and

(f) the applicant has the ability to repay the loan applied for; and

(g) there are reasonable prospects for the long-term viability of the applicant if the assistance is provided.

13 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.

14 Security

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

15 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 term, the applicant must make the interest repayments decided by the authority.

(3) From the start of the third year of the loan term, the applicant must make the principal and interest repayments decided by the authority.

16 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 documents stated on the application form; and

(c) be given to the authority no later than the closing day for applications stated on the authority's website.

(2) If the authority asks the applicant for further information to decide the application, the applicant must give the authority the information.

17 Deciding applications

(1) The authority must consider each application for assistance under the scheme that complies with section 16 and decide to approve, or refuse to approve, the application.

(2) The authority must consider applications in the order they are received by the authority.

(3) In approving an application, the authority may, with the agreement of the applicant, approve a lesser amount of assistance than the amount applied for in the application.

(4) However, an amount agreed to under subsection (3) must not be less than $250,000.

Note—

A loan of $250,000 is the minimum amount of assistance under the scheme for an eligible recovery activity. See section 11(1).

(5) The authority must refuse to approve an application if the authority's funds for assistance for the scheme are not

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sufficient to pay for the assistance applied for in the application.

(6) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

18 Review by authority

Assistance given to an applicant under the scheme may be subject to an annual review by the authority.

Schedule 47 Rural landholder recovery grants 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 rural landholders that have suffered damage as a direct result of an eligible disaster.

2 Purpose of scheme

(1) The purpose of assistance under the scheme is to help rural landholders offset the cost of eligible recovery activities.

(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 schedule

In this schedule—

2021-2022 storm-flooding event see section 4(1).

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

assistance establishment notice see section 11(2).

closing day, for applications for assistance for an eligible disaster under the scheme, means—

(a) the day stated in the assistance establishment notice for the eligible disaster as the day by which applications must be received by the authority; or

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(b) if the day is changed under section 11(4)—the day as changed.

defined disaster area, for an eligible disaster, see section 5.

disaster activation document see section 4(2).

disaster recovery funding arrangements means 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's Disaster Assist website.

eligible disaster see section 6.

eligible recovery activity see section 7.

natural disaster see section 8.

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.

Queensland Reconstruction Authority means the authority established under the *Queensland Reconstruction Authority Act 2011*, section 7.

relevant land means land—

(a) located in a defined disaster area; and

(b) that has a total area of at least 10 hectares.

rural landholder see section 9.

scheme means the scheme set out in this schedule.

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4 Meaning of *2021-2022 storm-flooding event* and *disaster activation document*

(1) A ***2021-2022 storm-flooding event*** is an event identified in a disaster activation document as a disaster for which financial assistance has been activated.

(2) Each of the following documents published on the Queensland Reconstruction Authority's website is a ***disaster activation document***—

(a) 'Disaster Recovery Funding Arrangements event—Central, Southern and Western Queensland Rainfall and Flooding, 10 November – 3 December 2021';

(b) 'Disaster Recovery Funding Arrangements event—Ex-Tropical Cyclone Seth, 29 December 2021 – 10 January 2022';

(c) 'Disaster Recovery Funding Arrangements event—South East Queensland Rainfall and Flooding, 22 February - 5 April 2022';

(d) 'Disaster Recovery Funding Arrangements event—Southern Queensland Flooding, 06 – 20 May 2022'.

5 Meaning of *defined disaster area*

(1) A ***defined disaster area*** for a 2021-2022 storm-flooding event is a local government area identified in a disaster activation document as a DRFA Activated Area.

(2) A ***defined disaster area*** for an eligible disaster, other than a 2021-2022 storm-flooding event, is an area—

(a) defined by the Minister responsible for administering the *Queensland Reconstruction Authority Act 2011* for the purpose of activating the disaster recovery funding arrangements for communities affected by the eligible disaster; and

(b) identified in a document published on the Queensland Reconstruction Authority's website.

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6 Meaning of *eligible disaster*

(1) An ***eligible disaster*** is any of the following—

(a) a 2021-2022 storm-flooding event;

(b) a natural disaster, other than a 2021-2022 storm-flooding event;

(c) a terrorist act.

(2) In this section—

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

7 Meaning of *eligible recovery activity*

(1) An ***eligible recovery activity*** includes any of the following activities undertaken by or for a primary production enterprise carried out on relevant land because of an eligible disaster—

(a) removing and disposing of—

(i) flood related debris; or

(ii) damaged goods or materials; or

(iii) dead livestock; or

(iv) dangerous trees;

(b) replacing dead livestock;

(c) reinstating access to water for use in the enterprise;

(d) engaging an appropriately qualified person to conduct a safety inspection of damage to fields, buildings or equipment;

(e) employing a person to clean property, premises or equipment, if the cost of employing the person—

(i) would not ordinarily have been incurred if the eligible disaster had not happened; or

(ii) if a person would ordinarily be employed to clean the property, premises or equipment if the eligible disaster had not happened—exceeds the cost of

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ordinarily employing the person to clean the property, premises or equipment;

(f) repairing or reinstating flood damaged buildings, water tanks, feed trays or fencing if the damage is not covered by insurance;

(g) repairing a building, or repairing or replacing fittings in a building, if the repair or replacement is essential for reinstating the enterprise;

(h) repairing or restoring fields;

(i) repairing or reconditioning plant or equipment essential for reinstating the enterprise;

(j) repairing the primary access to, and exit from, the land;

(k) salvaging crops, grain or feed damaged as a result of the eligible disaster;

(l) purchasing feed to replace stock lost as a result of the eligible disaster;

(m) purchasing, hiring or leasing equipment or materials to clean fields, a building or equipment;

(n) purchasing, hiring or leasing plant, equipment or materials for reinstating the enterprise.

(2) In this section—

building does not include the rural landholder's principal place of residence.

employing includes engaging under a contract for services.

livestock includes poultry.

reinstating, a primary production enterprise carried out on relevant land, means carrying out activities necessary to help the rural landholder carrying out the primary production enterprise to continue or resume production or trading to a level that is similar to the level that existed before the eligible disaster.

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8 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

9 Meaning of *rural landholder*

A ***rural landholder*** is an entity that—

(a) is the owner, or lessee under a long term lease, of relevant land on which the entity carries out a primary production enterprise; and

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(b) was carrying out the enterprise on the relevant land when an eligible disaster caused loss or damage to the enterprise; and

(c) held an Australian Business Number for the enterprise when the eligible disaster caused the loss or damage.

Part 2 General provisions for scheme

10 Nature and maximum amount of assistance

(1) The nature of the assistance that may be given to an applicant under the scheme is a rebate to offset the cost of an eligible recovery activity.

(2) A rebate under the scheme is not available to pay for the cost of direct damage caused by the eligible disaster for which the applicant receives, or is entitled to receive, an amount under an insurance policy.

(3) The maximum amount of assistance under the scheme for an eligible disaster is—

(a) $10,000; or

(b) if another amount is stated in the assistance establishment notice—the stated amount.

11 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 rural landholders for an eligible disaster.

(2) The Minister may publish, on the authority's website, a notice (an ***assistance establishment notice***) for the eligible disaster.

(3) The assistance establishment notice must state—

(a) a description of the eligible disaster; and

(b) if the maximum amount of assistance that may be given to a rural landholder for the eligible disaster is an

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amount other than $10,000—the maximum amount of assistance that may be given; and

(c) the day (the ***stated closing day***) by which an application for the assistance must be received by the authority.

(4) 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.

12 Eligibility criteria

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

(a) is a rural landholder; and

(b) in the financial year immediately before the eligible disaster—

(i) earned a minimum gross amount of $20,000 per annum from the primary production enterprise carried out on the relevant land; and

(ii) earned a maximum gross amount of $250,000 from other activities, regardless of whether the other activities were carried out on the relevant land or somewhere else; and

(c) has not received assistance for the primary production enterprise as a result of the eligible disaster under—

(i) the Disaster Assistance (Primary Producers) Loans Scheme, set out in schedule 2, as a primary producer under that scheme; or

(ii) the Special Disaster Assistance Recovery Grants Scheme, set out in schedule 23, as a primary producer under that scheme; and

(d) has received and paid a tax invoice in relation to carrying out an eligible recovery activity; and

(e) is primarily responsible for meeting the costs of an eligible recovery activity claimed in the application.

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13 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 documents stated on the application form; and

(c) be given to the authority before the end of the day on the closing day.

(2) If the authority asks the applicant for further information to decide the application, the applicant must give the authority the information.

(3) To remove any doubt, it is declared that an application under the scheme can be made by more than 1 rural landholder in relation to particular relevant land.

14 Conditions of assistance—keeping records for audit

Payment of assistance to an applicant under the scheme is subject to the following conditions—

(a) the applicant must keep the tax invoices for amounts for which the applicant receives assistance under the scheme until the day that is 1 year after the closing day for applications under the scheme;

(b) the applicant consents to the authority conducting an audit of the records mentioned in paragraph (a) to verify that amounts given to the applicant under the scheme are used in accordance with the application for assistance.

15 Deciding applications

(1) The authority must consider each application for assistance under the scheme that complies with section 13 and decide to approve, or refuse to approve, the application.

(2) The authority must consider applications in the order they are received by the authority.

(3) The authority must refuse to approve an application if the authority's funds for assistance for a round of the scheme are

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not sufficient to pay for the assistance applied for in the application.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

Schedule 48 Boosting accessible tourism experiences grants scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide assistance to—

(a) improve access for persons with a disability to tourism experiences and events provided by eligible entities; and

(b) assist eligible entities to employ persons with a disability.

2 Purpose of assistance

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

3 Definitions for schedule

In this schedule—

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

Note—

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

applicant means an entity applying for assistance under the scheme.

application means an application for assistance under the scheme.

closing day, for the scheme, means—

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(a) 30 June 2023; or

(b) the later day stated in an extension notice.

eligible business see section 4.

eligible entity means—

(a) an eligible business; or

(b) an eligible non-profit organisation.

eligible non-profit organisation see section 5.

eligible project see section 6.

employee, of an entity—

(a) means an individual who is employed by the entity; but

(b) does not include—

(i) if the owner of the entity is the entity's governing body—the members of the governing body; or

(ii) if the owner of the entity is a sole trader—the owner; or

(iii) if the owner of the entity is a partnership, proprietary company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust; or

(iv) a person who performs work under a contract for services with the entity, including, for example, a subcontractor.

extension notice see section 13.

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

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

owner, of an eligible entity, means—

(a) for an eligible non-profit organisation—the organisation's governing body; and

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(b) for an eligible business, any of the following entities that carries on the eligible business—

(i) a sole trader;

(ii) a partnership;

(iii) a proprietary company;

(iv) a public company;

(v) a trust.

proprietary company see the Corporations Act, section 45A.

public company see the Corporations Act, section 9.

scheme means the scheme set out in this schedule.

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

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

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

4 Meaning of *eligible business*

(1) A business is an ***eligible business*** if—

(a) the business—

(i) holds an Australian Business Number for the **business**; and

(ii) has continuously held the same Australian Business Number since 1 January 2023; and

(b) the business is, and has been since 1 January 2023—

(i) registered for GST; and

(ii) trading from premises in Queensland, primarily in a tourism industry; and

(c) on 1 January 2023, the business—

(i) had no employees; or

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(ii) employed fewer than 20 full-time employees; or

(iii) if the business employed employees other than full-time employees—employed fewer than 20 equivalent full-time employees; and

(d) none of the following entities is an insolvent under administration or an externally administered entity—

(i) the business;

(ii) if the owner of the business is a sole trader—the owner;

(iii) if an owner of the business is a partnership—the partners in the partnership;

(iv) if an owner of the business is a trust—the trustees of the trust;

(v) if an owner of the business is a company—the company or the directors of the company.

(2) However, a business is not an ***eligible business*** if the business is a body corporate under—

(a) the *Body Corporate and Community Management Act 1997*; or

(b) the *Building Units and Group Titles Act 1980*.

(3) For subsection (1)(c)(iii), the number of equivalent full-time employees of a business is worked out using the formula—

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

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

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

(4) In this section—

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

insolvent under administration, in relation to a business, see the Corporations Act, section 9.

5 Meaning of *eligible non-profit organisation*

(1) A non-profit organisation is an ***eligible non-profit organisation*** if—

(a) the organisation—

(i) holds an Australian Business Number for the organisation; and

(ii) has continuously held the same Australian Business Number since 1 January 2023; and

(b) the organisation is, and has been since 1 January 2023—

(i) registered for GST; and

(ii) trading from premises in Queensland, primarily in a tourism industry; and

(c) on 1 January 2023, the organisation—

(i) had no employees; or

(ii) employed fewer than 20 full-time employees; or

(iii) if the organisation employed employees other than full-time employees—employed fewer than 20 equivalent full-time employees; and

(d) neither the organisation, nor a member of the organisation's governing body, is an insolvent under administration or an externally administered entity.

(2) However, a non-profit organisation is not an ***eligible non-profit organisation*** if—

(a) the organisation is a government entity; or

(b) the organisation's only source of income is 1 or more of the following—

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(i) earnings from rental properties;

(ii) interest earned on investments;

(iii) dividends.

(3) For subsection (1)(c)(iii), the number of equivalent full-time employees of an organisation is worked out using the formula—

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

where—

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

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

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

(4) In this section—

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

government entity means—

(a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or

(b) a local government; or

(c) a government owned corporation; or

(d) an Australian government agency or sovereign entity within the meaning of the *Income Tax Assessment Act 1997* (Cwlth); or

(e) an entity that is wholly owned by an entity mentioned in any of paragraphs (a) to (d).

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

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

6 Meaning of *eligible project*

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

(a) modifying vehicles or vessels; and

(b) purchasing and installing new assistive or adaptive technology or equipment; and

(c) purchasing and installing—

(i) new augmented reality technology; or

(ii) new virtual reality technology.

Part 2 General provisions for scheme

7 Nature of assistance

(1) The nature of the assistance available under the scheme is a grant of financial assistance for eligible costs for an eligible project.

(2) The maximum amount of the financial assistance available under the scheme is the total of—

(a) 50% of the eligible costs of an eligible project (exclusive of GST), up to a maximum amount of $20,000; and

(b) an amount for any GST payable in relation to the granting of financial assistance under the scheme.

(3) The minimum amount of the main component of the financial assistance available under the scheme is $5,000.

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Note—

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

(4) In this section—

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

8 Particular costs not available under the scheme

(1) A grant of assistance under the scheme is not available for any of the following costs of an eligible project—

(a) costs related to activities that commenced before the application for the assistance is approved under section 15;

(b) costs related to maintaining existing equipment or infrastructure;

(c) employee allowances, bonuses or fringe benefits;

(d) costs related to the purchase, hire or lease of land, buildings or venues;

(e) costs related to conducting feasibility studies;

(f) administration and operating costs;

(g) the cost of new equipment or other assets unless the equipment or asset remains in the ownership, care and control of the eligible entity;

(h) the cost of goods and services provided by related parties;

(i) the administrative costs of complying with—

(i) the Building Code of Australia; or

(ii) the *Disability (Access to Premises— Buildings) Standards 2010* (Cwlth);

(j) costs that may be recovered under other assistance from the Commonwealth, this State or another State.

(2) In this section—

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

commenced, an eligible project—

(a) includes purchasing items, or engaging a contractor or other person, for the construction or installation of an eligible project or part of the eligible project; but

(b) does not include the payment of a deposit for a purchase or engagement mentioned in paragraph (a).

related party, of an eligible entity, means—

(a) if another entity controls the eligible entity—the other entity; or

(b) an owner of the eligible entity; or

(c) a spouse, parent or child of an owner of the eligible entity; or

(d) an employee of the eligible entity; or

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

9 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—

(a) the applicant is an owner of an eligible entity; and

(b) the applicant is applying for assistance for an eligible project; and

(c) the applicant has not previously applied for assistance under the scheme in relation to—

(i) the eligible project; or

(ii) another eligible project; and

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(d) the applicant has not been approved to receive other government funding for the eligible project; and

(e) the applicant has the ability to pay any costs of the eligible project that is more than the assistance being applied for; and

(f) the eligible project represents value for money; and

(g) the eligible project is consistent with Queensland's disability plan and the Towards Tourism 2032 collective framework; and

(h) the eligible project will—

(i) be ready to commence within 3 months after the day the grant of assistance is given to the applicant; and

(ii) be completed before 30 June 2024.

(2) For subsection (1)(h)(i), an eligible project is taken to be ready to commence if all the steps required to be taken by the applicant to commence the eligible project have been taken.

(3) In this section—

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

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

Note—

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

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

Note—

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

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10 Applications

(1) An application under the scheme must—

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

Note—

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

(b) be accompanied by—

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

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

(iii) if the cost of the eligible project or any part or stage of the eligible project is more than $10,000—2 quotes relating to the cost of the eligible project or the part or stage of the eligible project; and

(c) include the other documents requested when using the electronic application process; and

(d) be given to the authority on or before the closing day.

(2) In this section—

project plan, for an eligible project, means a plan that includes—

(a) evidence of the proposed cost of the project; and

(b) the location of the project; and

(c) details of the extent to which the project will—

(i) improve access for persons with a disability to tourism experiences and events; or

(ii) assist in employing persons with a disability.

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11 Additional information or documents

(1) If the authority asks the applicant for further information necessary to decide the application, the applicant must give the authority the information within—

(a) a stated reasonable period; or

(b) if the applicant and authority agree to another period—the agreed period.

(2) If the applicant does not provide the additional information in accordance with subsection (1), the authority may refuse the application under section 15.

12 Rejection of particular applications

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

13 Extension of closing day

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

14 Accepting late applications

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

15 Deciding applications

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

(2) The authority must consider applications for assistance in the order in which they are received by the authority.

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(3) However, the authority may approve an application for assistance only if satisfied the applicant is eligible for the assistance under section 9.

(4) The authority must refuse to approve an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

(5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision stating—

(a) the decision; and

(b) the reasons for the decision; and

(c) that the applicant may apply to the chief executive for an internal review of the decision under part 3A of the Act.

16 Conditions of assistance

(1) This section applies if the authority grants an application for assistance under the scheme.

(2) The payment of the grant is subject to the following conditions—

(a) that the applicant signs a letter of offer of financial assistance (the ***letter of offer***) that sets out the terms on which the applicant accepts the assistance;

(b) that the applicant comply with the terms of the letter of offer.

(3) The authority may withhold all or part of the assistance if the applicant does not comply with the terms of the letter of offer.

(4) The authority may require the return of all or part of the assistance if the applicant fails to comply with the terms of the letter of offer.

(5) The authority may decide the amount to be withheld or returned under subsection (3) or (4) unless specified in the letter of offer.

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Schedule 49 Carbon Farming Advice Assistance Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage eligible landholders to implement carbon farming on the landholder's land.

2 Purpose of scheme

The purpose of assistance under the scheme is to provide financial assistance to offset the cost to an eligible landholder of obtaining eligible carbon farming advice.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

application for conditional approval means an application for conditional approval that complies with section 10.

approved adviser means a person who is—

(a) approved by the department of environment and science to give advice about the implementation of carbon farming in accordance with the person's area of specialty; and

(b) listed on the authority's website as an approved adviser.

conditional approval, for assistance under the scheme, means conditional approval given under section 11.

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

eligible carbon farming advice means written advice that—

(a) complies with the requirements contained in the document called 'Carbon Farming Advice Scheme Standards Guide' published on the department of environment and science's website; and

(b) is given by an approved adviser to an eligible landholder about the implementation of carbon farming on the landholder's land.

eligible landholder see section 4.

landholder see section 5.

scheme means the scheme set out in this schedule.

4 Who is an *eligible landholder*

(1) An ***eligible landholder*** is a landholder who is any of the following entities—

(a) an individual;

(b) a local government;

(c) a non-profit organisation;

(d) a small to medium sized business.

(2) In this section—

non-profit organisation means a charity or other non-profit entity that—

(a) is incorporated under a law of the Commonwealth or a State; and

(b) holds an Australian Business Number.

small to medium sized business means a business—

(a) that is carried on by a sole trader, partnership, proprietary company or trust; and

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(b) for which an entity holds an Australian Business Number; and

(c) that is not operated by a public company within the meaning of the Corporations Act.

5 Who is a *landholder*

A ***landholder*** is any of the following entities—

(a) if the land is freehold land—the registered owner of the land;

(b) if the land is the subject of a lease registered under the *Land Title Act 1994*—the lessee of the land;

(c) if the land is the subject of a lease registered under the *Land Act 1994*—the lessee of the land;

(d) if the land is a reserve—the trustee of the reserve;

(e) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.

Part 2 General provisions for scheme

6 Nature and maximum amount of assistance

(1) The nature of the assistance available to an applicant under the scheme is payment of all or part of the cost of eligible carbon farming advice received by the applicant.

(2) The maximum amount of assistance available under the scheme is the cost of the applicant receiving the eligible carbon farming advice (inclusive of GST) up to a maximum of $10,000.

7 Scheme to operate in rounds

(1) The scheme will operate in rounds.

(2) A round of the scheme—

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(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.

8 Round to operate in stages

(1) Each round of the scheme will operate in 2 stages.

(2) The first stage of a round of the scheme is an application for conditional approval stage.

(3) The second stage of a round of the scheme is an application for assistance stage.

9 Eligibility criteria—conditional approval

An applicant is eligible for conditional approval within a round only if—

(a) the applicant is an eligible landholder; and

(b) the applicant has not previously—

(i) received assistance under the scheme for substantially similar eligible carbon farming advice; or

(ii) applied for conditional approval in the round.

10 Applications for conditional approval

(1) An application for conditional approval must be—

(a) made in the approved form; and

(b) accompanied by the documents stated in the approved form; and

(c) for a round of the scheme—given to the authority before—

(i) the end of the day stated on the authority's website as the day on which the round closes; and

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(ii) the applicant applies for assistance under section 13.

(2) If the authority asks the applicant to provide further information to decide the application for conditional approval, the applicant must provide the information.

11 Deciding applications for conditional approval

(1) The authority must consider each application for conditional approval and decide to approve, or refuse to approve, the application.

(2) The authority must consider applications for conditional approval in the order they are received by the authority.

(3) If the authority approves an application for conditional approval, the authority must give the applicant written notice of the decision.

(4) The approval is subject to a condition requiring the applicant to engage a stated approved adviser to give the applicant eligible carbon farming advice in accordance with the adviser's area of specialty as stated on the authority's website.

(5) The authority must refuse an application for conditional approval if the authority is satisfied the approved adviser to be engaged by the applicant—

(a) is an employee of the applicant; or

(b) has a registered interest in the land the subject of the proposed advice.

(6) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

12 Eligibility criteria—assistance

An applicant is eligible to receive assistance under the scheme if the authority is satisfied the applicant has received—

(a) conditional approval; and

(b) eligible carbon farming advice in accordance with the conditional approval; and

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(c) a tax invoice for the eligible carbon farming advice.

13 Applications for assistance

(1) An application for assistance under the scheme must be—

(a) made in the approved form; and

(b) accompanied by—

(i) a copy of the eligible carbon farming advice; and

(ii) a copy of the tax invoice for the eligible carbon farming advice; and

(iii) any other documents stated in the approved form.

(2) If the authority asks an applicant to provide further information to decide the application, the applicant must provide the information.

14 Deciding applications for assistance

(1) The authority must consider each application for assistance under the scheme that complies with section 13 and decide to approve, or refuse to approve, the application.

(2) The authority must consider applications for assistance in the order they are received by the authority.

(3) The authority must refuse to approve an application for assistance if—

(a) the authority is not satisfied the eligible carbon farming advice represents reasonable value for money; or

(b) the authority's funds for assistance for the scheme are not sufficient to pay for the assistance.

(4) If the authority refuses to approve an application for assistance, the authority must give written notice of the decision to the applicant.

(5) The authority may, with the agreement of the applicant, approve an amount of assistance that is less than the amount applied for.

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15 Payment of assistance directly to adviser

(1) This section applies if the authority approves an application for assistance.

(2) The authority must pay the amount of the assistance directly to the approved adviser who issued the tax invoice for the eligible carbon farming advice.

Schedule 50 Flood affected livestock grants 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 primary producers that have suffered damage as a direct result of the disaster.

2 Purpose of assistance

(1) The purpose of the assistance under the scheme is to help reimburse primary producers who paid for particular activities relating to livestock affected by the disaster.

(2) However, assistance under the scheme is not intended to compensate primary producers for loss of income suffered because of the disaster.

3 Definitions for schedule

In this schedule—

animal welfare activities see section 4.

applicant means a person applying for assistance under the scheme.

closing day means the later of the following days—

(a) 29 September 2023;

(b) the day stated in an extension notice made under section 10.

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disaster means the disaster defined by the relevant Minister, for the purpose of activating the disaster recovery funding arrangements, as 'Communities within Northern and Central Queensland affected by recent monsoon activity including heavy rainfall and flash flooding 20 December 2022 – 30 April 2023'.

disaster area, for the disaster, means the area—

(a) defined by the relevant Minister for the purpose of activating the disaster recovery funding arrangements for providing assistance mentioned in the scheme for communities affected by the 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 a natural disaster, as agreed between the Commonwealth and the State.

livestock includes poultry.

primary producer means—

(a) a sole trader who—

(i) spends the majority of their labour on a primary production enterprise; and

(ii) either—

(A) derives 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, within a reasonable time, derive the majority of their 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—

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(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, within a reasonable time, derive the majority of their income from the primary production enterprise.

primary production enterprise means a business—

(a) that involves primary production, including, for example, agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing or horticultural industries; and

(b) for which an entity holds an Australian Business Number.

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

scheme means the scheme set out in this schedule.

4 Meaning of *animal welfare activity*

Each of the following is an ***animal welfare activity***—

(a) purchasing and distributing emergency fodder for livestock affected by the disaster;

(b) removing and disposing of livestock that died because of, or in connection with, the disaster.

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Part 2 General provisions of scheme

5 Nature and amount of assistance

(1) The nature of the assistance that may be given under the scheme is a grant of financial assistance to help a primary producer pay for an animal welfare activity.

(2) The grant may be for an amount up to $75,000.

6 Eligibility criteria

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

(a) the applicant is a primary producer; and

(b) immediately before the disaster, the applicant carried on a primary production enterprise in the disaster area; and

(c) the applicant paid for an animal welfare activity during—

(i) for an animal welfare activity mentioned in section 4(a)—the distribution period; or

(ii) for an animal welfare activity mentioned in section 4(b)—the recovery period; and

(d) the applicant intends to re-establish the primary production enterprise in the disaster area; and

(e) the applicant consents to the authority obtaining information or documents from an insurer about the applicant's primary production enterprise to allow the authority to verify the applicant's entitlements under an insurance policy taken out with the insurer.

(2) However, the applicant is not eligible for assistance under the scheme if the applicant has received other assistance to cover the same cost from—

(a) the State; or

(b) the Commonwealth; or

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(c) an insurer.

(3) In this section—

distribution period means the period—

(a) starting on 1 March 2023; and

(b) ending on 14 April 2023.

recovery period means the period—

(a) starting on 1 March 2023; and

(b) ending on 1 August 2023.

7 Financial evidence for assistance

(1) An applicant is eligible for assistance under the scheme only if the applicant provides evidence to the authority that all amounts claimed by the applicant under the scheme have been paid by the applicant.

(2) The evidence mentioned in subsection (1) may be in the form of tax invoices, official receipts for payment or bank statements.

(3) In this section—

official receipt means a receipt that includes—

(a) the name and address of the entity that issued the receipt; and

(b) if the issuing entity has an Australian Business Number—the Australian Business Number; and

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

8 Conditions for assistance—keeping records for audit

Payment of assistance to an applicant under the scheme is subject to the following conditions—

(a) the applicant must keep the evidence mentioned in section 7(1) for 1 year after the closing day for applications under the scheme;

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(b) the applicant must enable the authority to conduct an audit of the evidence mentioned in paragraph (a) to verify amounts given to the applicant under the scheme are used in accordance with the application for assistance.

9 Requirements for applications

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

(a) be made using the application form approved by the authority; and

(b) be accompanied by the documents stated on the application form; and

(c) be given to the authority.

(2) An application must be received by the authority on or before the closing day.

(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.

10 Extension of closing day

(1) The Minister 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 6 months after the commencement.

(2) However, the Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.

(3) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is made.

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11 Deciding applications

(1) The authority must consider each application for assistance under the scheme that complies with section 9, and decide to approve or refuse to approve, the application.

(2) The authority must consider applications in the order they are received by the authority.

(3) The authority must refuse to approve an application if the authority's funds for assistance for a round of the scheme are not sufficient to pay for the assistance applied for in the application.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 51 Agribusiness digital solutions grants scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

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

(a) help eligible entities carry out projects that result in the trialling and adoption of digital technologies or systems in supply chains within the agribusiness sector or primary production industries in Queensland; and

(b) improve the resilience of the agribusiness sector or primary production industries in Queensland by adopting digital technologies or systems that increase the ability of the sector or industries to—

(i) respond to potential disruptions in supply chains within the sector or industries; or

(ii) deal with risks to the sector or industries related to biosecurity, climate and food safety.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants to eligible entities to—

(a) help the entities improve the resilience of the agribusiness sector or primary production industries in Queensland; and

(b) carry out projects that will produce benefits that can be shared across the agribusiness sector or a primary production industry in Queensland.

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3 Definitions for schedule

In this schedule—

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

eligible entity see section 5.

eligible project see section 4.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible project*

An ***eligible project*** is a project the authority is satisfied—

(a) will result in the trialling and adoption of digital technologies or systems that will benefit the agribusiness sector, a primary production industry or a part of a primary production industry in Queensland; and

(b) will achieve the objective of the scheme; and

(c) will produce benefits that can be shared across the agribusiness sector or a primary production industry in Queensland.

5 Meaning of *eligible entity*

(1) An entity is an ***eligible entity*** if the entity—

(a) holds an Australian Business Number; and

(b) is registered for GST; and

(c) is either—

(i) an industry organisation; or

(ii) an entity established to advance or promote the economic development of the agribusiness sector, a primary production industry or a part of a primary production industry in Queensland; and

(d) has its headquarters in Queensland.

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(2) However, an entity is not an ***eligible entity*** if the entity is—

(a) a government entity; or

(b) a higher education provider within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth).

(3) In this section—

government entity means—

(a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or

(b) a local government; or

(c) a government owned corporation; or

(d) an Australian government agency or sovereign entity within the meaning of the *Income Tax Assessment Act 1997* (Cwlth); or

(e) an entity that is wholly owned by an entity mentioned in any of paragraphs (a) to (d).

industry organisation means an entity that—

(a) is established to represent the agribusiness sector, a primary production industry or a part of a primary production industry in Queensland; and

(b) is either—

(i) an association incorporated under the *Associations Incorporation Act 1981*; or

(ii) a co-operative registered under the Co-operatives National Law (Queensland).

Part 2 General provisions for scheme

6 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 project.

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(2) However, a grant of financial assistance is not available for any of the following costs in relation to an eligible project—

(a) employee allowances, bonuses or fringe benefits;

(b) conference fees;

(c) entertainment costs;

(d) inventory and warehousing costs;

(e) costs related to securing or managing a grant;

(f) costs related to general administration or operational activities.

(3) The maximum amount of the financial assistance available under a round of the scheme for an eligible entity for an eligible project is the total of—

(a) the lesser of the following amounts—

(i) $100,000;

(ii) 50% of the total cost of the eligible project (exclusive of GST and of any costs mentioned in subsection (2)); and

(b) an amount for any GST payable in relation to the granting of financial assistance under the scheme.

7 Scheme to operate in rounds

(1) The scheme will operate in rounds.

(2) Each 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 at the end of the day stated on the authority's website as the day on which the round closes.

8 Eligibility criteria

(1) For an applicant to be eligible to receive assistance under a round of the scheme, the applicant must—

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(a) be an eligible entity; and

(b) be applying for assistance for an eligible project; and

(c) if there is a previously approved eligible project for the eligible entity—have completed the previously approved eligible project; and

(d) not have previously received assistance under the round of the scheme for a project; and

(e) not have received other government funding for the eligible project; and

(f) demonstrate to the authority's satisfaction that—

(i) the applicant has the ability to pay the remaining cost of the eligible project; and

(ii) under the eligible project, the applicant will own, or have a licence to use, the product or service the subject of the project in a way that will allow the applicant to share details about the operation and outcomes of the project with the authority, the department and other entities; and

(iii) the eligible project represents reasonable value for money.

(2) 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.

previously approved eligible project, for an eligible entity, means—

(a) a project for which the eligible entity received a grant of financial assistance under the program called 'Agribusiness digital solutions grant program' administered by the department; or

(b) an eligible project for which the eligible entity received a grant of financial assistance under a previous round of the scheme.

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remaining cost, of an eligible project, means the difference between—

(a) the total cost of the eligible project (inclusive of GST and of any costs mentioned in section 6(2)); and

(b) the amount worked out under section 6(3)(a) for the eligible project.

9 Applications

(1) For each round of the scheme, an application for assistance under the scheme must—

(a) be made in the approved form; and

(b) be accompanied by the documents stated in the approved form; and

(c) be given to the authority while the round of the scheme is open.

(2) If the authority asks the applicant to give further information to decide the application, the applicant must give the authority the information.

(3) In this section—

approved form means a form approved by the authority.

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.

(2) In approving an application, the authority may, with the agreement of the applicant, approve a lesser amount of assistance than the amount applied for in the application.

(3) The authority must refuse to approve an application if the authority's assistance funds for a round of the scheme are not sufficient to pay for the assistance applied for in the application.

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(4) The authority may seek the advice of persons with suitable qualifications and experience to help the authority in deciding an application.

(5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

11 Priority of consideration for approval of applications

(1) The authority must consider approving applications for assistance under a round of the scheme in the following decreasing order of priority—

(a) applications for assistance for eligible projects the authority considers will provide the greatest benefit to the agribusiness sector or primary production industries in Queensland consistent with the objective of the scheme;

(b) applications for assistance for eligible projects the authority considers will provide the least benefit to the agribusiness sector or primary production industries in Queensland consistent with the objective of the scheme.

(2) Without limiting subsection (1), the authority may consider the following matters in relation to prioritising an application for assistance for an eligible project—

(a) the potential of the eligible project to achieve the objective of the scheme;

(b) the extent to which the eligible project may create or support employment or economic growth in Queensland;

(c) whether the eligible project represents reasonable value for money;

(d) the viability of the eligible project.

12 Conditions of assistance

The payment to an eligible entity of a grant of financial assistance under the scheme is subject to the following conditions—

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(a) before receiving the assistance, the entity must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the entity must comply with the terms of the agreement mentioned in paragraph (a).

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Schedule 52 Business Energy Saving and Transformation Rebate Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

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

(a) buy and install energy-efficient appliances at particular premises of the businesses; or

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

2 Purpose of assistance

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

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

eligible activity, in relation to an eligible business, see section 4.

eligible business see section 5.

energy-efficient appliance means—

(a) any of the following appliances with an energy rating of at least 4 stars—

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(i) an air conditioner;

(ii) a clothes dryer;

(iii) a clothes washer;

(iv) a computer monitor;

(v) a dishwasher;

(vi) a hot water system;

(vii) a refrigerator or freezer;

(viii) a pool pump;

(ix) a television; or

(b) an appliance for chilling or freezing food or drink, other than an appliance mentioned in paragraph (a)(vii).

Examples—

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

energy-efficient equipment means any of the following equipment—

(a) an electronically-commutated fan motor;

(b) LED lighting;

(c) a motion sensor, light level sensor or timer for LED lighting or a lighting appliance;

(d) a motor classified in the IE3 or IE4 category under the IEC standard;

(e) a variable-speed drive air compressor or chiller;

(f) a variable-speed drive unit for a pump or fan.

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

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

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

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

owner, of an eligible business, means—

(a) a sole trader who spends labour on, and derives income from, the business; or

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

scheme means the scheme set out in this schedule.

4 Meaning of *eligible activity*

(1) Each of the following is an ***eligible activity*** in relation to an eligible business—

(a) buying and installing an energy-efficient appliance at 1 premises of the business in Queensland;

(b) buying and installing energy-efficient equipment—

(i) at 1 premises of the business in Queensland; or

(ii) in an appliance or other equipment at 1 premises of the business in Queensland.

(2) However, neither of the following is an ***eligible activity*** in relation to an eligible business—

(a) buying and installing any of the following at premises of the business—

(i) a heat pump hot water system, unless the installation is to replace an electric or gas storage hot water system;

(ii) an electric-boosted solar hot water system, unless the installation is to replace an electric storage hot water system;

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(iii) an appliance mentioned in section 3, definition *energy-efficient appliance*, paragraph (b), unless the appliance is to be used in connection with carrying on the business;

(iv) a variable-speed drive chiller, unless the installation is to replace a fixed-drive chiller;

(b) buying and installing, in an appliance or equipment at premises of the business—

(i) a motor classified in the IE3 or IE4 category under the IEC standard, unless the installation is to replace a motor classified in the IE1 or IE2 category under the standard; or

(ii) an electronically-commutated fan motor, unless the installation is to replace another type of fan motor.

(3) Also, a purchase and installation mentioned in subsection (1) is not an ***eligible activity*** in relation to an eligible business if—

(a) the installation involves work for which a licence is required under—

(i) the *Electrical Safety Act 2002*; or

(ii) the *Plumbing and Drainage Act 2018*; or

(iii) the *Queensland Building and Construction Commission Act 1991*; and

(b) the work is carried out by a person other than a holder of the licence.

5 Meaning of *eligible business*

(1) A business is an ***eligible business*** if—

(a) an entity holds an Australian Business Number for the business; and

(b) the business—

(i) is registered for GST; and

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(ii) is not operated by a public company within the meaning of the Corporations Act; and

(iii) has its headquarters, and operates at premises, in Queensland; and

(iv) has a total of at least 2, but not more than 199, full-time employees or equivalent full-time employees.

(2) For subsection (1)(b)(iv), the number of equivalent full-time employees of a business is worked out using the formula—

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

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

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

(3) In this section—

full time employee, of a business, means an employee of the business who ordinarily works for at least 35 hours each week for the business.

Part 2 General provisions for scheme

6 Nature and amount of assistance

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

(2) The amount of the assistance is the total of—

(a) the lesser of the following amounts—

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(i) 50% of the cost of carrying out each eligible activity (exclusive of GST);

(ii) $12,500; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

7 Scheme to operate in rounds

(1) The scheme will operate in rounds.

(2) Each round of the scheme—

(a) opens at the beginning of the day stated on the website of the department administering the *Electricity Act 1994* as the day on which the round opens; and

(b) closes at the end of the day stated on that website as the day on which the round closes.

(3) The last round of the scheme must close on or before the end of 30 June 2025.

8 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if—

(a) the applicant carries out 1 or more eligible activities in relation to an eligible business owned by the applicant during the period—

(i) starting when the first round of the scheme opens; and

(ii) ending when the last round of the scheme closes; and

(b) each of the eligible activities that is the installation of an energy-efficient appliance or energy-efficient equipment is carried out at the same premises; and

(c) the total cost of carrying out the activities is at least $8,000 (exclusive of GST); and

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(d) the applicant pays the cost, in full, before the application is made; and

(e) the applicant has not previously received assistance under the scheme; and

(f) the applicant has not received other government funding in relation to the activity.

(2) In this section—

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

9 Condition of assistance

(1) Payment of assistance to an applicant under the scheme is subject to the condition stated in subsection (2).

(2) The applicant must give the authority a receipt for the cost of each eligible activity to which the application relates that includes the following—

(a) the name and address of the entity that issued the receipt; and

(b) if the entity has an Australian Business Number—the Australian Business Number; and

(c) the date the cost was incurred; and

(d) a description of each energy-efficient appliance or item of energy-efficient equipment to which the cost relates; and

(e) if any of the cost relates to installing an energy-efficient appliance or energy-efficient equipment—

(i) the date and location of the installation; and

(ii) if the appliance or equipment was installed in, or to replace, another appliance or other equipment—a description of the other appliance or equipment; and

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(iii) if the installation involved work mentioned in section 4(3)(a)—the name and licence number of the holder of the relevant licence who carried out the work.

10 Applications

(1) For each round of the scheme, an application for assistance under the scheme must be—

(a) made on the application form approved by the authority; and

(b) accompanied by the documents stated in the application form; and

(c) given to the authority while the round is open.

(2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

11 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application that complies with section 10(1).

(2) For each round of the scheme, the authority must consider applications in the order they are received by the authority.

(3) The authority must refuse an application for assistance if the authority's assistance funds for the round of the scheme in which the application is made are not sufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 53 Climate Smart Energy Saver Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage households to reduce electricity consumption, and related costs, by replacing appliances with eligible appliances.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide a rebate to offset part of the cost to an applicant of buying an eligible appliance and, if applicable, installing it to replace another appliance at residential premises occupied by the applicant.

3 Definitions for schedule

In this schedule—

applicant means an individual applying for assistance under the scheme.

eligible appliance means—

(a) any of the following appliances with an energy rating of at least 4 stars—

(i) a clothes washer, clothes dryer or combination clothes washer and dryer;

(ii) a dishwasher;

(iii) a refrigerator or combination refrigerator and freezer;

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(iv) an air conditioner, if—

(A) the energy rating is for the air conditioner's cooling function; and

(B) the air conditioner complies with the requirements of AS/NZS 4755.1:2017 relating to air conditioners; or

(b) a heat-pump hot water system or solar hot water system.

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

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

income earner, for an application for assistance under the scheme, means—

(a) if the applicant has a spouse who occupies the residential premises to which the application relates—whomever of the applicant or the spouse had the higher taxable income for the most recent financial year; or

(b) otherwise—the applicant.

occupy means occupy as a principal place of residence.

residential premises means premises in Queensland used as a place of residence or mainly as a place of residence.

scheme means the scheme set out in this schedule.

taxable income, of the income earner for an application for assistance under the scheme, means the taxable income of the earner within the meaning of the *Income Tax Assessment Act 1997* (Cwlth).

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Part 2 General provisions for scheme

4 Nature and amount of assistance

(1) The nature of the assistance available to an applicant under the scheme is a rebate for part of the cost of buying 1 eligible appliance and, if applicable, installing it to replace another appliance at residential premises occupied by the applicant.

(2) The amount of the assistance is the total of—

(a) the lesser of the following amounts—

(i) the amount mentioned in subsection (3) for the eligible appliance;

(ii) the total cost incurred by the applicant for buying the appliance and, if applicable, installing it at the residential premises; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

(3) For subsection (2)(a)(i), the amount for the eligible appliance is—

(a) if the taxable income of the income earner for the application, for the most recent financial year, was $66,667 or less—

(i) for a clothes washer, clothes dryer, combination clothes washer and dryer or dishwasher—$550; or

(ii) for a refrigerator or combination refrigerator and freezer—$600; or

(iii) for an air conditioner—$650; or

(iv) for a hot water system—$1,000; or

(b) otherwise—

(i) for a clothes washer, clothes dryer, combination clothes washer and dryer or dishwasher—$300; or

(ii) for a refrigerator or combination refrigerator and freezer—$350; or

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(iii) for an air conditioner—$400; or

(iv) for a hot water system—$800.

5 Operation of scheme

The scheme—

(a) opens on the day stated on the website of the department administering the *Electricity Act 1994* as the day the scheme opens; and

(b) closes on the earliest of the following days—

(i) the day stated on the website as the day the scheme closes;

(ii) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme;

(iii) 30 June 2025.

6 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if—

(a) the applicant is an adult; and

(b) the authority is satisfied the applicant occupies the residential premises to which the application relates; and

(c) the applicant bought, and installed at the premises, the eligible appliance to which the application relates—

(i) while the scheme is open; and

(ii) while the applicant occupied the premises; and

(iii) within 30 days before making the application; and

(d) the authority is satisfied the eligible appliance was installed to replace another appliance; and

(e) if the installation involved work for which a licence is required under the *Electrical Safety Act 2002*, the

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Plumbing and Drainage Act 2018 or the *Queensland Building and Construction Commission Act 1991*—the work was carried out by a holder of the licence; and

(f) the authority has not previously approved assistance under the scheme—

(i) for the applicant; or

(ii) for any spouse of the applicant who occupied the premises when the assistance was approved; or

(ii) in relation to an eligible appliance installed at the premises while the applicant, or any spouse of the applicant, occupied the premises; and

(g) no other government funding has been given—

(i) to the applicant, in relation to an eligible appliance; or

(ii) to any spouse of the applicant, in relation to an eligible appliance installed at the premises while the spouse occupied the premises; or

(ii) in relation to an eligible appliance installed at the premises while the applicant, or any spouse of the applicant, occupied the premises.

(2) In this section—

other government funding means financial assistance, other than a loan, provided by—

(a) the Commonwealth government, unless the assistance was given in relation to buying and installing a heat-pump hot water system or solar hot water system under the scheme known as the Small-scale Renewable Energy Scheme; or

(b) the government of a State or a local government.

7 Condition of assistance

(1) Payment of assistance to an applicant under the scheme is subject to the condition stated in subsection (2).

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(2) The applicant must give the authority a receipt for the cost of—

(a) buying the eligible appliance to which the application relates; and

(b) if section 6(1)(e) applies in relation to the installation of the appliance—the installation.

(3) The receipt must include the following—

(a) the name and address of the entity that issued the receipt;

(b) if the entity has an Australian Company Number or an Australian Business Number—

(i) the number; or

(ii) if the entity has both numbers—either number;

(c) the date the cost was incurred;

(d) a description of the eligible appliance;

(e) for a receipt required to be given to the authority under subsection (2)(b)—

(i) confirmation the installation was carried out at the residential premises to which the application relates; and

(ii) the date of the installation; and

(iii) a description of the work involved in the installation; and

(iv) the name and licence number of the holder of the relevant licence who carried out the work.

8 Applications

(1) An application for assistance under the scheme must be—

(a) made in relation to not more than 1 eligible appliance installed at residential premises; and

(b) made on the application form approved by the authority; and

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(c) accompanied by the following documents—

(i) the documents stated in the application form;

(ii) documentary evidence showing that the applicant occupies the premises;

Examples of documentary evidence—

copy of driver licence, copy of council rates notice, copy of tenancy agreement

(iii) if section 4(3)(a) applies for working out the amount of assistance applied for—

(A) a declaration by the applicant stating the name of the income earner for the application; and

(B) documentary evidence, to the satisfaction of the authority, of the taxable income of the income earner for the most recent financial year;

(iv) if section 6(1)(e) does not apply in relation to the installation of the eligible appliance—a declaration by the applicant that the eligible appliance was purchased and, if applicable, installed, to replace another appliance in the premises.

(2) If the authority asks the applicant to provide further information to support 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 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 refuse an application if the authority's assistance funds for the assistance applied for are not sufficient to pay for the assistance.

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(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 54 Primary producer flood management grants scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist primary producers carrying on primary production enterprises in particular areas to obtain eligible professional advice to improve the resilience to flooding and high rainfall of the primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants of financial assistance to primary producers carrying on primary production enterprises in particular areas to offset all or part of the cost of obtaining eligible professional advice.

3 Definitions for schedule

In this schedule—

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

defined disaster area see section 4.

eligible professional advice see section 5.

flood management plan, for a primary production enterprise, see section 6.

primary producer means—

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

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(b) a partnership, company or trust that carries on a primary production enterprise, for which the partners, shareholders or beneficiaries 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, for example, 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.

suitably qualified professional adviser means a person who—

(a) is an owner or employee of a business—

(i) that provides professional advice or services of a type relevant to improving the resilience to flooding and high rainfall of primary production enterprises; and

(ii) for which an entity holds an Australian Business Number; and

(b) has the relevant qualifications and experience to provide the advice or service.

Examples of a suitably qualified professional adviser—

accountant, agronomist, farm irrigation consultant, financial planner, geographic information system technician, soil scientist

4 Meaning of *defined disaster area*

(1) A ***defined disaster area*** is a local government area identified in a disaster activation document as—

(a) a DRFA Activated Area; and

(b) an area eligible for DRFA assistance measure ‘Disaster Assistance (Primary Producers) Loans’.

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(2) Each of the following documents published on the Queensland Reconstruction Authority's website is a ***disaster activation document***—

(a) Disaster Recovery Funding Arrangements event: Central, Southern and Western Queensland Rainfall and Flooding, 10 November - 3 December 2021;

(b) Disaster Recovery Funding Arrangements event: Ex-Tropical Cyclone Seth, 29 December 2021 - 10 January 2022;

(c) Disaster Recovery Funding Arrangements event: South East Queensland Rainfall and Flooding, 22 February - 5 April 2022;

(d) Disaster Recovery Funding Arrangements event: Southern Queensland Flooding, 06 - 20 May 2022.

5 Meaning of *eligible professional advice*

(1) ***Eligible professional advice***, for a primary production enterprise, is advice or a service provided by a suitably qualified professional adviser about improving the resilience to flooding and high rainfall of the primary production enterprise.

Examples of advice or a service—

accountancy advice, agronomic advice, financial planning, flood mapping, geotechnical surveying, soil mapping and assessment

(2) However, ***eligible professional advice*** does not include a service provided in relation to implementing actions detailed in a flood management plan that an applicant may take to manage risks to a primary production enterprise.

6 Meaning of *flood management plan*

A ***flood management plan***, for a primary production enterprise, is a plan that the authority is satisfied—

(a) has been prepared in accordance with eligible professional advice for the primary production enterprise; and

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(b) addresses risks to the primary production enterprise from flooding and high rainfall; and

(c) details the actions the applicant may take to manage the risks to the primary production enterprise to improve the resilience of the primary production enterprise.

Part 2 General provisions for scheme

7 Nature and maximum amount of assistance

(1) The nature of the assistance available to an applicant under the scheme is a grant of financial assistance to offset all or part of the cost to the applicant of obtaining eligible professional advice for a primary production enterprise.

(2) The amount of assistance available under the scheme is the cost to the applicant of obtaining the eligible professional advice for the primary production enterprise (exclusive of GST) up to a maximum of $7,500.

(3) An applicant may make more than 1 application for assistance under the scheme.

(4) However, the maximum amount of assistance available under the scheme to an applicant is the amount of assistance mentioned in subsection (2).

8 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—

(a) the applicant is a primary producer carrying on a primary production enterprise in a defined disaster area; and

(b) the applicant obtained eligible professional advice for the primary production enterprise on or after 18 May 2022; and

(c) the suitably qualified professional adviser who provided the eligible professional advice is not an employee of, or

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engaged as a contractor by, an entity owned wholly or partly by the applicant; and

(d) the applicant has paid for the eligible professional advice; and

(e) a flood management plan has been prepared for the primary production enterprise; and

(f) an industry recovery and resilience officer has confirmed in writing that the officer considers the eligible professional advice for the primary production enterprise and the flood management plan will improve the resilience to flooding and high rainfall of the primary production enterprise.

(2) However, the applicant is not eligible for assistance under the scheme if the applicant has received other assistance from the State or the Commonwealth to offset all or part of the cost to the applicant of obtaining the eligible professional advice for the primary production enterprise.

(3) In this section—

Burnett Mary Regional Group means Burnett Mary Regional Group for Natural Resource Management Ltd ACN 144 005 229.

industry recovery and resilience officer means a person who is employed or otherwise engaged by the Queensland Farmers' Federation or the Burnett Mary Regional Group as an industry recovery and resilience officer.

Queensland Farmers' Federation means Queensland Farmers' Federation Ltd ACN 055 764 488.

9 Operation of scheme

(1) The scheme opens on 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.

(2) The scheme closes on the earlier of the following days—

(a) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme;

(b) 31 March 2024 (the ***closing day***).

(3) However, the Minister may, by notice published on the authority's website (an ***extension notice***), extend the closing day, once only, to a stated day that is not later than 24 December 2024.

(4) The Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.

(5) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is published.

10 Requirements for applications

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

(a) be made in the form approved by the authority; and

(b) be accompanied by the following documents—

(i) a copy of a flood management plan for the primary production enterprise;

(ii) a copy of the confirmation mentioned in section 8(1)(f);

(iii) a copy of the tax invoice for the eligible professional advice for the primary production enterprise to which the application for assistance under the scheme relates;

(iv) an official receipt showing the applicant has paid the tax invoice;

(v) any other documents stated in the form; and

(c) be received by the authority while the scheme is open under section 9.

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(2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

(3) In this section—

official receipt means a receipt that includes—

(a) the name and address of the entity that issued the receipt; and

(b) the entity's Australian Business Number; and

(c) a description of each item to which the receipt relates; and

(d) the date the amount to which the receipt relates was paid.

11 Deciding applications

(1) The authority must consider each application for assistance under the scheme that complies with section 10(1) and decide to approve, or refuse to approve, the application.

(2) The authority must consider applications in the order they are received by the authority.

(3) The authority must refuse to approve an application if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 55 Battery Booster Rebate Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage the installation of approved battery systems at residential premises.

2 Purpose of assistance

The purpose of assistance under the scheme is to give individual owners of residential premises a rebate to offset the cost of having an approved battery system suitably installed at the premises.

3 Definitions for schedule

In this schedule—

applicant, in relation to assistance under the scheme or conditional approval for assistance under the scheme, means a person applying for the assistance or conditional approval.

approved battery system means a battery energy storage system that is included in the list of systems approved, for the purposes of the scheme, on the electricity department's website.

approved installer means an installer of approved battery systems at residential premises who is included in the list of installers approved, for the purposes of the scheme, on the electricity department's website.

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

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class 1a building—

(a) means a class 1a building under the Building Code of Australia; and

(b) includes a granny flat.

conditional approval application means an application under section 8 for conditional approval for assistance under the scheme.

electricity department's website means the website of the department administering the *Electricity Act 1994*.

granny flat means a small building on a lot that—

(a) is capable of providing self-contained accommodation; and

(b) is not—

(i) a house, or other main building used for residential purposes, on the lot; or

(ii) a manufactured home.

house means residential premises on a lot, if the premises are—

(a) a single detached dwelling; and

(b) the main building on the lot used for residential purposes.

income earner, for an application for assistance under the scheme, means—

(a) if the applicant has a spouse who is an individual owner of the residential premises to which the application relates—whomever of the applicant or the spouse had the higher taxable income for the most recently ended financial year; or

(b) otherwise—the applicant.

individual owner, of residential premises, means an individual who is—

(a) for a house—

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(i) the registered owner of the lot on which the house is located; or

(ii) if there is a home ownership lease over the lot on which the house is located under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*—the lessee under the lease; or

(b) for a granny flat—

(i) the registered owner of the lot on which the flat is located; or

(ii) the person who, under any arrangement, resides at the flat and has responsibility for making significant repairs or modifications to the flat; or

(c) for residential premises, other than a house or granny flat, on a lot that is included in a community titles scheme under the *Body Corporate and Community Management Act 1997* or on a building units plan or group titles plan registered under the *Building Units and Group Titles Act 1980*—the registered owner of the lot; or

(d) for other residential premises—the person the authority is satisfied owns the premises on the basis of an arrangement or document evidencing that the person is the owner or is treated as the owner by the entity that owns the land on which the premises are located.

lot means—

(a) a lot on a building units plan or group titles plan registered under the *Building Units and Group Titles Act 1980*; or

(b) a lot under the *Land Title Act 1994*.

manufactured home means—

(a) a manufactured home under the *Manufactured Homes (Residential Parks) Act 2003*, section 10; or

(b) a caravan that has been modified so that it may not be moved from its position using the means ordinarily used to transport the caravan.

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notice of assessment means a notice of assessment issued under the *Income Tax Assessment Act 1997* (Cwlth).

registered owner, of a lot, means—

(a) for a lot on a building units plan or group titles plan registered under the *Building Units and Group Titles Act 1980*—the proprietor of the lot under that Act; or

(b) for another lot—the registered owner of the lot under the *Land Title Act 1994*.

residential premises means a class 1a building in Queensland.

scheme means the scheme set out in this schedule.

suitably installed, in relation to an approved battery system at residential premises, see section 4.

taxable income, of an individual, means the individual's taxable income within the meaning of the *Income Tax Assessment Act 1997* (Cwlth).

4 Meaning of *suitably installed*

(1) An approved battery system is ***suitably installed*** at residential premises if—

(a) the system is installed, and connected to a suitable solar PV system that is installed—

(i) at the premises; or

(ii) on the lot or other land on which the premises are located; and

(b) the person who carried out the installation and connection is an approved installer; and

(c) the connection allows the approved battery system and suitable solar PV system to operate together.

(2) In this section—

suitable solar PV system means a solar photovoltaic system with a system capacity of 5kW or more.

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Part 2 General provisions for scheme

5 Nature and amount of assistance

(1) The nature of the assistance available under the scheme is a rebate to offset the cost of having an approved battery system suitably installed at residential premises owned by the applicant.

(2) The amount of the assistance is the total of—

(a) the lesser of the following amounts—

(i) the amount mentioned in subsection (3);

(ii) the cost incurred by the applicant for having the approved battery system suitably installed at the residential premises; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

(3) For subsection (2)(a)(i), the amount is—

(a) if the taxable income of the income earner for the application, for the most recently ended financial year, is $66,667 or less—$4,000; or

(b) otherwise—$3,000.

6 Operation of scheme

The scheme—

(a) opens on the day stated on the electricity department's website as the day the scheme opens; and

(b) closes on the earlier of the following days—

(i) the day stated on the website as the day the scheme closes;

(ii) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme.

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7 Eligibility criteria—conditional approval for assistance

An applicant is eligible for conditional approval for assistance under the scheme in relation to residential premises if—

(a) the applicant is an individual owner of the premises; and

(b) a person has not previously received assistance under the scheme in relation to—

(i) the premises; or

(ii) if the premises are located on a lot—any other residential premises located on the same lot; and

(c) the applicant has obtained a quote for the sale of an approved battery system from—

(i) an approved installer; or

(ii) another retailer of approved battery systems; and

(d) the applicant's taxable income or, if the applicant has a spouse, the combined taxable income of the applicant and spouse, for the most recently ended financial year, is $180,000 or less.

8 Conditional approval applications

(1) An application for conditional approval for assistance under the scheme in relation to residential premises must be—

(a) made in the approved form; and

(b) given to the authority before the applicant applies for the assistance under section 11.

(2) The application must be accompanied by—

(a) a copy of the quote mentioned in section 7(c) relating to the residential premises; and

(b) a copy of the notice of assessment for the applicant's taxable income or, if the applicant has a spouse, the combined taxable income of the applicant and spouse, for the most recently ended financial year; and

(c) any other documents stated in the form.

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(3) However, if the notice of assessment mentioned in subsection (2)(b) has not been issued when the application is made, the application—

(a) is not required to be accompanied by a copy of the notice; and

(b) must be accompanied by other documentary evidence, to the satisfaction of the authority, of the taxable income or combined taxable income.

(4) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

9 Deciding conditional approval applications

(1) The authority must consider each conditional approval application and decide to approve, or refuse to approve, the application.

(2) The authority must consider conditional approval applications in the order they are received by the authority.

(3) The authority must, for each conditional approval application, give the applicant written notice of the authority's decision.

10 Eligibility criteria—assistance

An applicant is eligible to receive assistance under the scheme in relation to residential premises if—

(a) the authority has, under section 9(1), approved a conditional approval application for the assistance by the applicant; and

(b) the applicant is an individual owner of the premises; and

(c) the applicant's taxable income or, if the applicant has a spouse, the combined taxable income of the applicant and spouse, for the most recently ended financial year, is $180,000 or less; and

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(d) the authority is satisfied the approved battery system for which the conditional approval was given has been suitably installed at the premises; and

(e) the applicant applies for the assistance under section 11 on or before the day that is—

(i) 90 days after receiving written notice of the conditional approval under section 9(3); or

(ii) a later day, not later than 120 days after receiving the notice, if the authority is satisfied it is not reasonably practicable for the installation to have been carried out, and the application made, until the later day.

11 Applications for assistance

(1) An application for assistance under the scheme in relation to residential premises must be—

(a) made in the approved form; and

(b) accompanied by the following—

(i) if a financial year has ended since the conditional approval application for the assistance was made—a copy of the notice of assessment for the applicant's taxable income or, if the applicant has a spouse, the combined taxable income of the applicant and spouse, for the most recently ended financial year;

(ii) if section 5(2)(a)(i) applies for working out the amount of assistance applied for—

(A) a declaration by the applicant stating the name of the income earner for the application; and

(B) a copy of the notice of assessment for the taxable income of the income earner for the most recently ended financial year;

(iii) a copy of the tax invoice for the purchase, and installation at the premises, of the approved battery

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system for which conditional approval for the assistance was given under section 9;

(iv) any other documents stated in the form.

(2) However, if the notice of assessment mentioned in subsection (1)(b)(i) or (ii)(B) has not been issued when the application is made, the application—

(a) is not required to be accompanied by a copy of the notice; and

(b) must be accompanied by other documentary evidence, to the satisfaction of the authority, of the taxable income or combined taxable income.

(3) The tax invoice mentioned in subsection (1)(b)(iii) must state that the approved battery system was installed, in the way described in section 4, at the residential premises.

(4) The authority may ask an applicant to provide further relevant information required to decide the application.

12 Deciding applications for assistance

(1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme that complies with section 11.

(2) The authority must consider applications in the order they are received.

(3) The authority must refuse to approve an application if the authority's assistance funds for the scheme are not sufficient to pay for the assistance applied for in the application.

(4) If the authority refuses to approve the application, the authority must give the applicant written notice of the decision.

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Schedule 56 Remote Communities Freight Assistance Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

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

2 Purpose of assistance

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

(a) discount shortfalls and compliance costs for the businesses; and

(b) for owners of eligible businesses who are entitled to receive establishment assistance—establishment activities for the businesses.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

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

approved premises, of an eligible business, means premises of the business in relation to which the authority has, under

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section 13(1), approved an application for assistance under the scheme.

compliance assistance see section 7(c).

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

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

discount assistance see section 7(b).

discount shortfall, for an eligible business, means the amount of revenue the business has forgone because of discounting the usual retail prices of essential goods sold by the business, at approved premises of the business, by the published percentage.

eligible business means a business—

(a) for which an entity holds an Australian Business Number; and

(b) that is registered for GST; and

(c) that has a bank account in the name of the business.

essential good see section 5.

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

establishment assistance see section 7(a).

financial agreement—

(a) for a type of assistance under the scheme generally—means the standard form of written agreement by which the authority pays the assistance of that type to approved applicants for the assistance; and

(b) for establishment assistance—includes the terms mentioned in section 15(4).

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

remote community means any of the following local government areas—

(a) Aurukun;

(b) Burke;

(c) Carpentaria;

(d) Cook;

(e) Doomadgee;

(f) Kowanyama;

(g) Hope Vale;

(h) Lockhart River;

(i) Mapoon;

(j) Mornington;

(k) Napranum;

(l) Northern Peninsula Area;

(m) Pormpuraaw;

(n) Torres;

(o) Torres Strait Island;

(p) Weipa Town Area;

(q) Wujal Wujal.

scheme means the scheme set out in this schedule.

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

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

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4 Meaning of *establishment activity*

(1) Each of the following activities is an ***establishment activity*** for an eligible business—

(a) buying, installing or upgrading computer hardware if—

(i) the purchase, installation, or upgrade is carried out for each approved premises of the business; and

(ii) the business did not, at any time before the purchase, installation, or upgrade, comply with the digital discount reporting requirements; and

(iii) the purchase, installation, or upgrade was necessary to allow an owner of the business to comply with the digital discount reporting requirements in relation to the business;

(b) buying, or installing on computer hardware used by an eligible business, digital stock management software, if—

(i) the purchase or installation is carried out for each approved premises of the business; and

(ii) the business did not, at any time before the installation, use digital stock management software; and

(iii) the software will allow an owner of the business to comply with the digital discount reporting requirements in relation to the business;

(c) upgrading or adjusting stock management software being used by an eligible business, if the upgrade or adjustment is—

(i) carried out for each approved premises of the business; and

(ii) necessary to allow an owner of the business to comply with the digital discount reporting requirements in relation to the business;

(d) engaging a person, other than an excluded person for the business, to provide training or another service in

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relation to an activity mentioned in paragraph (a), (b) or (c).

(2) In this section—

excluded person, for an eligible business, means any of the following persons—

(a) an owner or employee of the business;

(b) a relative, other than a qualified relative, of an owner or employee of the business;

(c) a related body corporate of an owner of the business;

(d) another body corporate, if an owner of the business is a director, or holds at least 10% of the issued shares, of the body corporate;

(e) a beneficiary of a trust of which a person mentioned in any of paragraphs (a) to (d), or a qualified relative of an owner or employee of the business, is trustee.

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

related body corporate see the Corporations Act, section 50.

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

5 Meaning of *essential good*

(1) An ***essential good*** is food, drink or a household item used for domestic purposes, other than—

(a) an alcoholic beverage; or

(b) bathroom equipment; or

(c) confectionery; or

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(d) clothing; or

(e) an electrical appliance; or

(f) a kitchen utensil; or

(g) manchester; or

(h) a soft drink containing sugar; or

(i) whitegoods.

Examples of a household item used for domestic purposes—

a household cleaning product, toothpaste, toilet paper

(2) To remove any doubt, it is declared that none of the following is an ***essential good***—

(a) fuel;

(b) furniture or a furnishing;

(c) hardware;

(d) any of the following under the *Tobacco and Other Smoking Products Act 1998*—

(i) a tobacco product;

(ii) a smokeless tobacco product;

(iii) vaping goods;

(e) a lottery ticket under the *Lotteries Act 1997*.

6 Published percentage for discount assistance

(1) The Transport Minister may approve a percentage for the purposes of discount assistance.

(2) If the Transport Minister approves a percentage under subsection (1)—

(a) the Minister must notify the authority of the approval; and

(b) the authority must publish the percentage on the authority's website.

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Part 2 General provisions for scheme

7 Nature of assistance

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

(a) a payment (***establishment assistance***) to wholly or partly reimburse the applicant for costs incurred in carrying out 1 or more establishment activities for the business; and

(b) payments, whether weekly, fortnightly or monthly (***discount assistance***), to wholly reimburse the applicant for amounts of revenue forgone by the business that the authority is satisfied are discount shortfalls for the business for the week, fortnight or month; and

(c) payments, whether weekly, fortnightly or monthly (***compliance assistance***), to wholly or partly reimburse the applicant for costs that the authority is satisfied are compliance costs of the business for the week, fortnight or month.

8 Amount of assistance—establishment assistance

(1) Subject to subsection (2), the amount of establishment assistance available in relation to an eligible business is the total of—

(a) the cost of all establishment activities for the business; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

(2) The maximum amount of establishment assistance is the total of—

(a) the lesser of the following amounts—

(i) $20,000 for each of the approved premises of the eligible business;

(ii) $110,000; and

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(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

9 Amount of assistance—discount assistance

The amount of discount assistance available in relation to an eligible business, for a particular week, fortnight or month, is the total of the following amounts for the week, fortnight or month—

(a) the amount the authority is satisfied is the discount shortfall for the business; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

10 Amount of assistance—compliance assistance

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

(a) the lesser of the following amounts—

(i) $250 for each of the participating premises of the business for the week, fortnight or month;

(ii) $2,900; and

(b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

(2) In this section—

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

(a) the usual retail prices of essential goods sold by the business are being discounted by at least the published percentage for the week, fortnight or month; and

(b) the owner of the business is complying with the digital discount reporting requirements.

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11 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme in relation to an eligible business if—

(a) the applicant is an owner of the business; and

(b) the business is carried on at 1 or more premises—

(i) that are located in a remote community; and

(ii) at which the retail sale of essential goods by the business, during the most recently ended financial year when the application is made, accounted for at least the prescribed percentage of the revenue of the business at the premises for the year; and

(c) the applicant applies for the assistance—

(i) within the application period for the assistance; or

(ii) within the further time allowed for making the application under subsection (3); and

(d) the authority has not, under section 13(1), previously approved an application for assistance under the scheme in relation to the business.

(2) For subsection (1)(c)(i), the application period for assistance under the scheme is—

(a) for establishment assistance—the period of 2 years starting on the day the scheme opens; or

(b) for discount assistance or compliance assistance—the period—

(i) starting on the day the scheme opens; and

(ii) ending on the day stated as the last day of the period on the authority's website.

(3) However, the authority may allow further time for making an application if satisfied that—

(a) because of circumstances beyond the applicant's control, the further time is reasonably necessary for the applicant to make the application; or

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(b) it would be in the public interest to allow the further time.

(4) Subsection (5) applies if—

(a) the applicant has received, or has been approved to receive, establishment assistance in relation to an eligible business; and

(b) the total amount of the establishment assistance received by the applicant is less than the amount of establishment assistance that would otherwise be available to the applicant under the scheme for the eligible business.

(5) The applicant may receive a further amount of establishment assistance equivalent to the difference between—

(a) the amount of establishment assistance that would otherwise be available to the applicant under the scheme for the eligible business; and

(b) the total amount of establishment assistance received, or approved to be received, by the applicant in relation to the eligible business.

(6) In this section—

prescribed percentage, of the revenue of an eligible business at premises for the most recently ended financial year, means—

(a) if the premises were used by the business primarily for the retail sale of fuel for vehicles during the year—15%; or

(b) otherwise—50%.

12 Applications

(1) An application for assistance under the scheme in relation to an eligible business must be—

(a) made using the application form approved by the authority; and

(b) accompanied by the documents stated on the application form.

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(2) The authority may ask the applicant for further information or documents to decide the application.

13 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application for assistance that complies with section 12(1).

(2) The authority must refuse an application if—

(a) the application is for assistance that is, or includes, discount assistance; and

(b) the authority's discount assistance funds for the financial year will be insufficient to pay discount assistance to the applicant.

(3) The authority may refuse an application if the applicant does not comply with a request under section 12(2) in relation to the application.

(4) The authority must consider applications in the order they are received by the authority.

(5) The authority must give the applicant written notice of a decision made under this section.

14 Conditions of assistance—general

(1) Payment of assistance under the scheme to an approved applicant for the assistance is subject to the conditions stated in—

(a) this section; and

(b) for establishment assistance—section 15.

(2) The applicant must—

(a) enter into a financial agreement for the assistance with the authority; and

(b) comply with the terms of the agreement relating to the assistance.

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15 Additional conditions of assistance—establishment assistance

(1) Payment of establishment assistance under the scheme to an approved applicant for the assistance is subject to the conditions stated in this section.

(2) Before receiving establishment assistance, the applicant must—

(a) carry out, and pay for, each establishment activity for the eligible business in relation to which the application was approved; and

(b) give the authority a receipt for payment of the cost of each of the establishment activities.

(3) The receipt must include the following—

(a) the name and address of the entity that issued the receipt;

(b) if the entity has an Australian Company Number or an Australian Business Number—

(i) the number; or

(ii) if the entity has both numbers—either number;

(c) the date the cost was incurred;

(d) a description of each of the establishment activities, including—

(i) the approved premises of the eligible business at which the activity was carried out; and

(ii) the cost of the activity.

(4) The financial agreement for establishment assistance must include the following terms—

(a) the applicant must carry out, and pay for, each establishment activity for the eligible business in relation to which the application was approved within 90 days after the approval;

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(b) the applicant must carry on the business, at each approved premises of the business, for a continuous period—

(i) starting on the day after the activity, or the last of the activities, is carried out; and

(ii) ending on the earlier of—

(A) the day that is 3 years after the period starts; or

(B) the day the scheme closes;

(c) if the applicant stops complying with the term mentioned in paragraph (b) in relation to any of the premises (the ***non-compliant premises***) during the period mentioned in paragraph (b), the applicant must, for the non-compliant premises, repay to the authority the amount worked out using the following formula—

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

where—

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

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

P means—

(a) if the applicant stops complying within 6 months after the assistance is paid—90%; or

(b) if the applicant stops complying more than 6 months, but not more than 1 year, after the assistance is paid—80%; or

(c) if the applicant stops complying more than 1 year, but not more than 18 months, after the assistance is paid—70%; or

(d) if the applicant stops complying more than 18 months, but not more than 2 years, after the assistance is paid—60%; or

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(e) if the applicant stops complying more than 2 years, but not more than 30 months, after the assistance is paid—50%; or

(f) if the applicant stops complying more than 30 months, but not more than 3 years, after the assistance is paid—40%.

16 Payment of assistance

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

17 Non-compliance with particular term of financial agreement

(1) This section applies if—

(a) the authority approves, under section 13(1), an application for assistance under the scheme that is, or includes, establishment assistance; and

(b) the authority and the approved applicant are parties to a financial agreement for the assistance that is in effect; and

(c) the applicant fails to comply with the term of the agreement mentioned in section 15(4)(a).

(2) The authority's decision to approve the application is revoked.

(3) Also, the application is taken to have been withdrawn.

18 Copy of financial agreement to be published

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

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19 If discount assistance funds for financial year become insufficient

(1) This section applies if—

(a) a financial agreement for discount assistance, between the authority and an approved applicant for the assistance, is in effect; and

(b) the authority becomes aware that, on a particular day in the current financial year, the authority's discount assistance funds for the year will be insufficient to pay discount assistance to the applicant.

(2) The authority may, after giving written notice to the approved applicant, stop paying discount assistance to the applicant for the period—

(a) starting on the day mentioned in subsection (1)(b) or the day that is 2 months after the notice is given, whichever is later; and

(b) ending on the last day of the financial year.

20 Operation of scheme

(1) The scheme closes on the earlier of the following days—

(a) the day stated on the authority's website as the day the scheme closes;

(b) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme.

(2) The authority must give written notice of the day the scheme closes to each other party to a financial agreement for assistance that is in effect—

(a) as soon as possible after becoming aware of the day; and

(b) in any event, not later than 2 months before the day.

(3) Assistance is not payable under the scheme after the day the scheme closes.

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Schedule 57 Fisheries structural adjustment scheme—stage 1

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

The objectives of the scheme are—

(a) to provide assistance to the following entities affected by the closure of particular commercial fisheries in the Great Barrier Reef region (the ***closed fisheries***)—

(i) a holder of a primary commercial fishing licence if 1 or more fishery symbols written on the licence stops having effect or is otherwise affected by the closure; or

(ii) a holder of a quota unit that stops having effect; and

(b) to encourage holders of particular primary commercial fishing licences who are authorised to take fish in the Great Barrier Reef region or Great Sandy region to surrender their primary commercial fishing licences or particular fishery symbols; and

(c) to encourage holders of particular quota units for fish in the Great Sandy region to surrender the quota units; and

(d) to provide assistance to holders of particular primary commercial fishing licences to replace income the holder would have been projected to earn from fishing in the closed fisheries in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and

(e) to provide assistance to holders of particular primary commercial fishing licences to seek legal or financial advice about the scheme.

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2 Purpose of assistance

The purpose of assistance under the scheme is to support holders of particular primary commercial fishing licences and quota units who are affected by, or are likely to be affected by—

(a) the closure of particular fisheries in the Great Barrier Reef region by the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or

(b) the implementation of changes under the *Marine Parks Act 2004* to zoning or management of the Great Sandy region related to the replacement of the *Marine Parks (Great Sandy) Zoning Plan 2017*.

3 Definitions for schedule

In this schedule—

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

barramundi units see section 22.

catch history, in a commercial fishery, see section 4.

class 1 fishery symbol, for part 2, division 3, see section 15.

class 1 licence, for part 2, division 3, see section 15.

class 2 fishery symbol, for part 2, division 3, see section 15.

class 2 licence, for part 2, division 3, see section 15.

class 3 fishery symbol, for part 2, division 3, see section 15.

class 3 licence, for part 2, division 3, see section 15.

commercial fishery means a fishery under the *Fisheries (Commercial Fisheries) Regulation 2019*.

east coast inshore management region 1 see *Fisheries (Commercial Fisheries) Regulation 2019*.

fishery symbol has the meaning given by the *Fisheries (General) Regulation 2019*.

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fishing data means information given to the chief executive under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 or 6.

GM5-ITQ units, for part 3, division 2, see section 27.

Great Barrier Reef region means east coast inshore management regions 1 to 4 under the *Fisheries (Commercial Fisheries) Regulation 2019*.

Great Sandy region means the area of the Great Sandy Marine Park under the *Marine Parks Act 2004* on the commencement.

grey mackerel units see section 22.

hold, in relation to a primary commercial fishing licence or quota unit, includes holding a suspended primary commercial fishing licence or quota unit.

holder, of a retired authority, see section 5.

king threadfin units see section 22.

move, for a fishery symbol written on a primary commercial fishing licence, means move the fishery symbol to another primary commercial fishing licence under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 3, part 4, division 2.

no fish period, for an applicant—

(a) for part 4, division 1, see section 36(2)(b); or

(b) for part 4, division 2, see section 42(2)(b).

price multiplier, for a fish, means the number stated in column 3 of the table in part 2 of the scheme annexure for the fishery opposite the fish.

primary commercial fishing licence means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

quota authority certificate, for a quota unit, see *Fisheries (Commercial Fisheries) Regulation 2019*, section 109(3).

quota unit means a quota unit under the *Fisheries (Commercial Fisheries) Regulation 2019*.

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relevant grid site, for a fishery, for part 4, division 2, see section 38.

relevant map, for a fishery, for part 4, division 2, see section 38.

relevant period catch, for an applicant—

(a) for part 4, division 1, see section 32; or

(b) for part 4, division 2, see section 38.

retired authority see section 5(1).

retired fishery symbol means the fishery symbols 'N1', 'N2', 'N4' or 'S'.

round 1, for part 2, division 3, see section 20(2).

round 2, for part 2, division 3, see section 20(3).

scheme means the scheme set out in this schedule.

scheme annexure means the document called 'Fisheries structural adjustment tables', version 0.2, published on the department's website.

SCM5-ITQ units, for part 3, division 2, see section 27.

special circumstances catch, for an applicant—

(a) for part 4, division 1, see section 33; or

(b) for part 4, division 2, see section 39.

substituted period catch, for an applicant—

(a) for part 4, division 1, see section 32; or

(b) for part 4, division 2, see section 38.

surrender—

(a) for a fishery symbol, see section 15; or

(b) for a primary commercial fishing licence or quota unit—means surrender under the *Fisheries Act 1994*.

tender boat, for a fishery symbol, means a tender boat authorised for use under the fishery symbol under the *Fisheries (General) Regulation 2019*, section 32.

type, in relation to a fishery symbol, see section 6.

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WT5-ITQ units, for part 3, division 2, see section 27.

4 Meaning of *catch history*

An applicant has a ***catch history***, in a commercial fishery, if the applicant—

(a) took at least 1kg of fish from the commercial fishery under a primary commercial fishing licence during the period starting on 1 September 2021 and ending on 30 June 2023; and

(b) recorded the taking of the fish as required under the *Fisheries (Commercial Fisheries) Regulation 2019*.

5 Meaning of *holder* of retired authority

(1) This section applies if, immediately before 1 January 2024, the applicant held 1 or more of the following (each a ***retired authority***)—

(a) a primary commercial fishing licence on which a retired fishery symbol was written;

(b) a barramundi unit;

(c) a grey mackerel unit;

(d) a king threadfin unit.

(2) From 1 January 2024, the scheme applies as if—

(a) if subsection (1)(a) applies—the retired fishery symbol continued to be written on the retired authority while the applicant continues to hold the authority; or

(b) if subsection (1)(b), (c) or (d) applies—the applicant continued to hold the retired authority.

6 *Types* of fishery symbols

In this schedule, 2 or more fishery symbols written on a primary commercial fishing licence are the same ***type*** of fishery symbol if the symbols are the same fishery symbol and have the same number of tender boats.

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Part 2 Primary commercial fishing licences and fishery symbols

Division 1 N1, N2, N4 and S licences

7 Nature of assistance

The nature of the assistance that may be given under this division of the scheme is a payment to holders of primary commercial fishing licences on which a retired fishery symbol is written.

8 Amount of assistance

The amount of assistance that may be given to an applicant who is eligible for assistance under this division of the scheme is—

(a) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N1' is written—$35,000; or

(b) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N2' is written—$60,000; or

(c) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N4' is written—$150,000; or

(d) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'S' is written—$7,000.

9 Eligibility criteria

An applicant is eligible for assistance under this division of the scheme if—

(a) the applicant holds a primary commercial fishing licence; and

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(b) the primary commercial fishing licence has 1 or more retired fishery symbols written on it; and

(c) the applicant has not received assistance in relation to the same fishery symbol under division 3.

Note—

For an application made after 31 December 2023, see section 5.

10 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Division 2 K1, K2, K3, K4, K5, K6, K7, K8 and N10 licences

11 Nature of assistance

The nature of the assistance under this division of the scheme is a payment to holders of primary commercial fishing licences with a 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7, 'K8' or 'N10' fishery symbol written on them to recognise the holders have lost access to particular commercial fisheries in the Great Barrier Reef region.

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12 Amount of assistance

The amount of assistance that may be given to an applicant under this division of the scheme is—

(a) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7, 'K8' is written—$28,000 for each type of fishery symbol mentioned in this paragraph that is written on the licence; or

(b) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N10' is written—$28,000.

13 Eligibility criteria

An applicant is eligible for assistance under this division of the scheme if—

(a) the applicant holds a primary commercial fishing licence on which 1 or more of the fishery symbols 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' and 'N10' are written; and

(b) the applicant has not received assistance in relation to the same fishery symbol under division 3.

14 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the day on 30 June 2024;

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(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Division 3 Surrender of primary commercial fishing licences and fishery symbols

15 Definitions for division

In this division—

class 1 fishery symbol means the fishery symbols 'N1', 'N2' or 'N4'.

class 1 licence means a primary commercial fishing licence that—

(a) has 1 or more class 1 fishery symbols written on it; and

(b) has 1 or more class 2 or 3 fishery symbols written on it.

class 2 fishery symbol means the fishery symbols 'C1', 'L1', 'L2', 'L3', 'N11', 'RQ', 'S' or 'SM'.

class 2 licence means a primary commercial fishing licence that—

(a) has 1 or more class 2 fishery symbols written on it; and

(b) does not have a class 1 or 3 fishery symbol written on it.

class 3 fishery symbol means the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'.

class 3 licence means a primary commercial fishing licence that—

(a) has 1 or more class 3 fishery symbols written on it; and

(b) does not have a class 1 or 2 fishery symbol written on it.

surrender, for a fishery symbol written on a primary commercial fishing licence, means request the chief executive to amend the licence to remove the fishery symbol.

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16 Nature of assistance

The nature of the assistance under this division of the scheme is a payment to holders of particular primary commercial fishing licences who decide to surrender the licences or surrender particular fishery symbols written on the licences.

17 Amount of assistance

(1) The amount of assistance that may be given to an applicant who is eligible for assistance under this division of the scheme is—

(a) for an applicant who surrenders a primary commercial fishing licence—$20,000; or

(b) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N1' is written—$35,000; or

(c) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N2' is written—$60,000; or

(d) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'N4' is written—$150,000; or

(e) for an applicant who surrenders the fishery symbol 'C1'—$25,000 for each fishery symbol surrendered; or

(f) for an applicant who surrenders the fishery symbol 'L1' or 'L2'—

(i) if there is no tender boat for the fishery symbol—$7,000; or

(ii) if there is 1 tender boat for the fishery symbol—$8,000; or

(iii) if there are 2 tender boats for the fishery symbol—$9,000; or

(iv) if there are 3 tender boats for the fishery symbol—$10,000; or

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(v) if there are 4 tender boats for the fishery symbol—$11,000; or

(vi) if there are 5 tender boats for the fishery symbol—$12,000; or

(vii) if there are 6 tender boats for the fishery symbol—$13,000; or

(g) for an applicant who surrenders the fishery symbol 'L2' if there are 7 tender boats for the fishery symbol—$14,000; or

(h) for an applicant who surrenders the fishery symbol 'L3'—

(i) if there is no tender boat for the fishery symbol—$5,000; or

(ii) if there is 1 tender boat for the fishery symbol—$6,000; or

(iii) if there are 2 tender boats for the fishery symbol—$7,000; or

(i) for an applicant who surrenders the fishery symbol 'N11'—$5,000; or

(j) for an applicant who surrenders the fishery symbol 'RQ'—

(i) if there is no tender boat for the fishery symbol—$8,000; or

(ii) if there is 1 tender boat for the fishery symbol—$10,000; or

(iii) if there are 2 tender boats for the fishery symbol—$16,000; or

(iv) if there are 3 tender boats for the fishery symbol—$18,000; or

(v) if there are 4 tender boats for the fishery symbol—$20,000; or

(vi) if there are 5 tender boats for the fishery symbol—$22,000; or

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(vii) if there are 6 tender boats for the fishery symbol—$24,000; or

(viii) if there are 7 tender boats for the fishery symbol—$26,000; or

(ix) if there are 8 tender boats for the fishery symbol—$28,000; or

(k) for an applicant who holds a primary commercial fishing licence on which the fishery symbol 'S' is written and who surrenders any other fishery symbol mentioned in this section—$7,000; or

(l) for an applicant who surrenders the fishery symbol 'SM'—

(i) if there is no tender boat for the fishery symbol—$10,000; or

(ii) if there is 1 tender boat for the fishery symbol—$15,000; or

(iii) if there are 2 tender boats for the fishery symbol—$17,000; or

(iv) if there are 3 tender boats for the fishery symbol—$20,000; or

(v) if there are 4 tender boats for the fishery symbol—$25,000; or

(vi) if there are 5 tender boats for the fishery symbol—$28,000; or

(vii) if there are 6 tender boats for the fishery symbol—$30,000; or

(m) for an applicant who surrenders the fishery symbol 'T1' or 'T2'—$20,000; or

(n) for an applicant who surrenders the fishery symbol 'T5', 'T6', 'T7', 'T8, or 'T9'—$25,000.

(2) For subsection (1)—

(a) if the applicant surrenders more than 1 fishery symbol of the same type—the applicant may receive assistance for only 1 of the fishery symbols; and

(b) if the applicant surrenders the applicant's primary commercial fishing licence—the applicant may receive the assistance mentioned in subsection (1)(a) in addition to assistance for surrender of a fishery symbol written on the licence.

(3) However, an applicant may receive assistance for 2 of the same type of fishery symbol mentioned in subsection(1)(e) if more than 1 fishery symbol of the type is surrendered.

18 Eligibility criteria

(1) For an applicant to be eligible to receive assistance under this division in round 1, the applicant—

(a) must hold a class 1 licence; and

(b) must surrender—

(i) a class 2 or 3 fishery symbol written on the licence; or

(ii) the applicant's primary commercial fishing licence; and

(c) must not have received assistance for the same type of fishery symbol under division 1.

(2) For an applicant to be eligible to receive assistance under this division in round 2, the applicant—

(a) must hold—

(i) a class 2 or 3 licence; or

(ii) a primary commercial fishing licence, other than a class 1, 2 or 3 licence; and

(b) must surrender—

(i) a class 2 or 3 fishery symbol written on the licence; or

(ii) the applicant's primary commercial fishing licence.

Note—

For the priority in which applications are to be assessed in round 2, see section 21.

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19 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the day on 30 June 2024;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application;

(e) the applicant must give consent to the authority to give notice to the chief executive of—

(i) the surrender of a fishery symbol mentioned in section 18(1)(b) or (2)(b) or the applicant's primary commercial fishing licence; and

(ii) the assistance given to the applicant under this division of the scheme.

20 Division to operate in rounds

(1) This division of the scheme will operate in rounds.

(2) ***Round 1***—

(a) opens on the day stated on the authority's website as the day the round opens; and

(b) closes on 30 April 2024.

(3) ***Round 2***—

(a) opens on 17 May 2024; and

(b) closes on 30 June 2024.

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21 Priority of consideration for round 2

In round 2 of this division of the scheme, the authority must consider approving applications for assistance in the following decreasing order of priority—

(a) a class 2 licence;

(b) a primary commercial fishing licence, other than a class 1, 2 or 3 licence;

(c) a class 3 licence.

Part 3 Payments for quota units

Division 1 Barramundi, grey mackerel and king threadfin

22 Definitions for division

In this division—

barramundi units means quota units that are, immediately before 1 January 2024, BM1-ITQ units, BM2-ITQ units, BM3-ITQ units, BM4-ITQ units or BM5-ITQ units.

grey mackerel units means quota units that are, immediately before 1 January 2024, GM1-ITQ units, GM2-ITQ units, GM3-ITQ units or GM4-ITQ units.

king threadfin units means quota units that are, immediately before 1 January 2024, KT1-ITQ units, KT2-ITQ units, KT3-ITQ units, KT4-ITQ units or KT5-ITQ units.

23 Nature of the assistance

The nature of the assistance that may be given to an applicant under this division of the scheme is a payment for particular quota units held by the applicant for barramundi, grey mackerel and king threadfin for the Great Barrier Reef or Great Sandy regions.

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24 Amount of assistance

The amount of assistance that may be given to an applicant who is eligible for assistance under this division of the scheme is—

(a) $17 for each barramundi unit held by the applicant; or

(b) $25 for each grey mackerel unit held by the applicant; or

(c) $20 for each king threadfin unit held by the applicant.

25 Eligibility criteria

An applicant is eligible for assistance under this division of the scheme if the applicant holds 1 or more barramundi units, grey mackerel units or king threadfin units.

Note—

For an application made after 31 December 2023, see section 5.

26 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not sell, lease or transfer a quota unit the subject of the application;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

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Division 2 Grey mackerel, school mackerel and whiting (management region 5)

27 Definitions for division

In this division—

GM5-ITQ units means quota units that are GM5-ITQ units.

SCM5-ITQ units means quota units that are SCM5-ITQ units.

WT5-ITQ units means quota units that are WT5-ITQ units.

28 Nature of the assistance

(1) The nature of the assistance that may be given under this division of the scheme is a payment to holders of particular quota units for grey mackerel, school mackerel and whiting in management region 5 if the holders decide to surrender the quota units.

(2) In this section—

management region 5 means the east coast inshore management region 5 under the *Fisheries (Commercial Fisheries) Regulation 2019*.

29 Amount of assistance

The amount of assistance that may be given to an applicant under this division of the scheme is—

(a) $25 for each GM5-ITQ unit surrendered by the applicant; or

(b) $20 for each SCM5-ITQ unit surrendered by the applicant; or

(c) $20 for each WT5-ITQ unit surrendered by the applicant.

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30 Eligibility criteria

An applicant is eligible for assistance under this division of the scheme if—

(a) the applicant holds a quota authority certificate that states the applicant holds 1 or more of the following—

(i) a GM5-ITQ unit;

(ii) a SCM5-ITQ unit;

(iii) a WT5-ITQ unit; and

(b) the applicant surrenders a quota unit mentioned in paragraph (a).

31 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not sell, lease or transfer a quota unit the subject of the application before the end of the day on 30 June 2024;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application;

(e) the applicant must give consent to the authority to give notice to the chief executive of—

(i) the surrender mentioned in section 30(1)(b); and

(ii) the assistance given to the applicant under this division of the scheme.

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Part 4 Payments for loss of income

Division 1 Great Barrier Reef region

32 Definitions for division

In this division—

no fish period, for an applicant, see section 36(2)(b).

relevant period catch, for an applicant, means the total weight (expressed in kilograms) of fish taken—

(a) either—

(i) from a commercial fishery in the Great Barrier Reef region under the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on the applicant's primary commercial fishing licence; or

(ii) from a commercial fishery in the east coast inshore management region 1 under the fishery symbol 'N11' written on the applicant's primary commercial fishing licence; and

(b) during the period starting on 1 September 2021 and ending on 30 June 2023.

special circumstances catch, for an applicant, see section 33.

substituted period catch, for an applicant, means the total weight (expressed in kilograms) of fish taken—

(a) either—

(i) from a commercial fishery in the Great Barrier Reef region under the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on the applicant's primary commercial fishing licence; or

(ii) from a commercial fishery in the east coast inshore management region 1 under the fishery symbol

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'N11' written on the applicant's primary commercial fishing licence; and

(b) during the period starting on 1 July 2022 and ending on 31 August 2022.

33 Meaning of *special circumstances catch*

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\frac{(\mathbf{R} + \mathbf{S})}{\mathbf{M}} \times \mathbf{N} = \mathbf{C}$$

where—

C means the applicant's special circumstances catch (expressed in kilograms).

M means the number of months in the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught fish on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

34 Nature of assistance

The nature of the assistance that may be given to an applicant under this division of the scheme is a payment of an amount worked out based on—

(a) the applicant's fishing history under particular fishery symbols in the Great Barrier Reef region; and

(b) the projected price of fish in the financial years starting on 1 July 2024, 1 July 2025, and 1 July 2026.

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35 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this division of the scheme is—

(a) if the amount worked out under subsection (2) or (3) is 1,000 or less—$1,000; or

(b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—$5,000; or

(c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—$10,000; or

(d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.

(2) For subsection (1), if the applicant is eligible for assistance under section 36(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S}}{\mathbf{2}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

(3) For subsection (1), if the applicant is eligible for assistance under section 36(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S + C}}{\mathbf{2}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

C means the applicant's special circumstances catch (expressed in kilograms).

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M means the price multiplier for the fish.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

36 Eligibility criteria

(1) An applicant is eligible for assistance under this division of the scheme if—

(a) the applicant—

(i) held a primary commercial fishing licence on which the fishery symbol 'N1', 'N2', 'N4', 'N10' or 'K' was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) has a catch history in a commercial fishery in the Great Barrier Reef region; or

(b) the applicant—

(i) held a primary commercial fishing licence on which the fishery symbol 'N11' was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) has a catch history in a commercial fishery in management region 1; or

(c) the applicant—

(i) leased a primary commercial fishing licence on which the fishery symbol 'N1', 'N2', 'N4', 'N10' or 'K' was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) provides evidence of the lease mentioned in subparagraph (i); and

(iii) has a catch history in a commercial fishery in the Great Barrier Reef region; or

(d) the applicant—

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(i) leased a primary commercial fishing licence on which the fishery symbol 'N11' was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) provides evidence of the lease mentioned in subparagraph (i); and

(iii) has a catch history in a commercial fishery in management region 1.

(2) Also, an applicant is eligible for assistance under this division of the scheme if—

(a) the applicant is eligible for assistance under subsection (1)(a) or (b); and

(b) the applicant's fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and

(d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

(3) For subsection (2)(c), special circumstances include—

(a) illness of the applicant or 1 or more of the applicant's dependants; and

(b) natural disaster; and

(c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.

(4) However, special circumstances do not include—

(a) refitting a boat; or

(b) fishing in another fishery; or

(c) working in another industry.

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(5) In this section—

management region 1 means the east coast inshore management region 1 under the *Fisheries (Commercial Fisheries) Regulation 2019*.

37 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the day on 30 June 2024;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Division 2 Great Sandy region

38 Definitions for division

In this division—

no fish period, for an applicant, see section 42(2)(b).

relevant grid site means an area shown, on a relevant map for a fishery, as a Fisheries Queensland 6 minute grid site for the fishery.

relevant map, for a fishery, means—

(a) for a crab pot fishery—the map in part 1.2 of the scheme annexure; or

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(b) for a line fishery—the map in part 1.3 of the scheme annexure; or

(c) for a net fishery—the map in part 1.4 of the scheme annexure; or

(d) for a trawl fishery—the map in part 1.1 of the scheme annexure.

relevant period catch, for an applicant, means the amount worked out by—

(a) multiplying the total weight of each species of fish (expressed in kilograms) taken by the applicant under the applicant's primary commercial fishing licence in each relevant grid site inside, or partly inside, the Great Sandy region during the period starting on 1 September 2021 and ending on 30 June 2023 by the percentage stated in the relevant grid site for the fishery; and

(b) adding the result for each relevant grid site mentioned in paragraph (a).

special circumstances catch, for an applicant, see section 39.

substituted period catch, for an applicant, means the amount worked out by—

(a) multiplying the total weight of the fish (expressed in kilograms) taken by the applicant under the applicant's primary commercial fishing licence in each relevant grid site for the fishery during the period starting on 1 July 2022 and ending on 31 August 2022 by the percentage stated in the relevant grid site for the fishery; and

(b) adding the result for each relevant grid site mentioned in paragraph (a).

39 Meaning of *special circumstances catch*

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\frac{(\mathbf{R} + \mathbf{S})}{\mathbf{M}} \times \mathbf{N} = \mathbf{C}$$

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where—

C means the applicant's special circumstances catch (expressed in kilograms).

M means the number of months during the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught fish on at least 1 day in the month under the primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

40 Nature of assistance

The nature of the assistance that may be given to an applicant under this division of the scheme is a payment of amount worked out based on—

(a) the applicant's fishing history in the Great Sandy region; and

(b) the projected price of fish in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and

(c) changes to zoning and management in the Great Sandy region under the *Marine Parks Act 2004* that—

(i) relate to the replacement of the *Marine Parks (Great Sandy) Zoning Plan 2017*; and

(ii) affect, or are likely to affect, the applicant.

41 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this division of the scheme is—

(a) if the amount worked out under subsection (2) or (3) is 1,000 or less—$1,000; or

(b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—$5,000; or

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(c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—$10,000; or

(d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.

(2) For subsection (1), if the applicant is eligible for assistance under section 42(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S}}{\mathbf{2}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

(3) For subsection (1), if the applicant is eligible for assistance under section 42(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S + C}}{\mathbf{2}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

C means the applicant's special circumstances catch (expressed in kilograms).

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

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42 Eligibility criteria

(1) An applicant is eligible for assistance under this division of the scheme if—

(a) the applicant—

(i) held a primary commercial fishing licence on which 1 or more of the following fishery symbols was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023—

(A) 'C1', 'C2';

(B) 'K8';

(C) 'L1', 'L2,', 'L3';

(D) 'N1', 'N2', 'N10', 'N11';

(E) 'T1', 'T2', 'T5', 'T6', 'T7'; and

(ii) has a catch history in a commercial fishery in the Great Sandy region; or

(b) the applicant—

(i) leased a primary commercial fishing licence on which 1 or more of the fishery symbols mentioned in paragraph (1)(a)(i) was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) provides evidence of the lease mentioned in subparagraph (i); and

(iii) has a catch history in a commercial fishery in the Great Sandy region.

(2) Also, an applicant is eligible for assistance under this division of the scheme if—

(a) the applicant is eligible for assistance under subsection (1)(a) or (b); and

(b) the applicant's fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and

(d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

(3) For subsection (2)(c), special circumstances include—

(a) illness of the applicant or 1 or more of the applicant's dependants; and

(b) natural disaster; and

(c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.

(4) However, special circumstances do not include—

(a) refitting a boat; or

(b) fishing in another fishery; or

(c) working in another industry.

43 Conditions of assistance

The payment to an applicant for assistance under this division of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the day on 30 June 2024;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

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Part 5 Grant for advice related to scheme

44 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a grant to obtain legal or financial assistance in relation to the scheme.

45 Amount of assistance

The amount of assistance that may be given to an applicant under this part of the scheme is a grant of $3,000 for each primary commercial fishing licence held by the applicant.

46 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant—

(i) holds a primary commercial fishing licence that has the fishery symbol 'N1', 'N2' or 'N4' (each an ***eligible symbol***) written on it; and

(ii) has a catch history in a commercial fishery in the Great Barrier Reef region or Great Sandy region; or

(b) the applicant—

(i) leases a primary commercial fishing licence on which an eligible symbol is written; and

(ii) leased a primary commercial fishing licence on which an eligible symbol was written for the whole of the period starting on 1 September 2021 and ending on 30 June 2023; and

(iii) provides evidence of the lease mentioned in subparagraph (ii); and

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(iv) has a catch history in a commercial fishery in the Great Barrier Reef region or Great Sandy region.

(2) However, the applicant is not eligible if an applicant has already received assistance under this part for the same primary commercial fishing licence or eligible symbol.

47 Conditions of assistance

The payment of assistance to an applicant under this division of the scheme is subject to the condition the applicant gives consent to the chief executive to share with the authority the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 6 Applications

48 Requirements for applications

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

(a) be made on the approved form; and

(b) be accompanied by the documents stated on the application form; and

(c) be given to the authority—

(i) on or after the day stated on the authority's website as the day the scheme opens; and

(ii) before the closing day.

(2) An application may made by an applicant—

(a) if more than 1 person is a holder of the primary commercial fishing licence or quota unit—with the consent of each other holder of the primary commercial fishing licence or quota unit; or

(b) if a public company is the holder of the primary commercial fishing licence or quota unit—with the consent of a director of the public company.

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(3) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

(4) In this section—

closing day means—

(a) for an application for assistance in round 1 for part 2, division 3—30 April 2024; or

(b) for another application—30 June 2024.

49 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under a part or division of the scheme.

(2) However, the authority does not need to consider an application that does not comply with section 48(1).

(3) The authority must decide applications in the order they are received by the authority, subject to section 21.

(4) The authority must refuse to approve an application for assistance under a part or division of the scheme if the authority's assistance funds for the assistance are not sufficient to pay for the assistance.

(5) If the authority refuses to approve an application for assistance, the authority must give the applicant written notice of the decision.

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Schedule 58 Fisheries structural adjustment scheme—stage 2

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

The objectives of the scheme are—

(a) to provide assistance to former skippers and crew members who have been, or will be, affected by changes to fisheries in the Great Barrier Reef region, Great Sandy region or Gulf region to replace approximately 4 weeks of income the former skippers and crew members would have been projected to earn if the changes had not been made to the fisheries; and

(b) to encourage holders of primary commercial fishing licences with the fishery symbol 'N3' written on them to surrender their primary commercial fishing licences or the fishery symbol 'N3'; and

(c) to provide assistance to holders of particular primary commercial fishing licences to replace income the holder would have been projected to earn from fishing in commercial fisheries in Gulf gillnet-free areas in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and

(d) to provide assistance to the holders and lessees of particular primary commercial fishing licences to replace income the holder or lessee would have been projected to earn in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026 from fishing in the part of the aquarium fish fishery that will be affected by the changes to zoning or management related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*; and

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(e) to provide assistance to the holders and lessees of particular primary commercial fishing licences who are not otherwise eligible for assistance to replace income the holder or lessee would have been projected to earn from fishing for hammerhead sharks in east coast fisheries in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

2 Purpose of assistance

The purpose of assistance under the scheme is to support holders or lessees of particular primary commercial fishing licences and their former skippers and crew members who are affected by, or are likely to be affected by—

(a) the closure of particular fisheries in the Great Barrier Reef region under the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or

(b) the changes to particular fisheries in the Gulf of Carpentaria made under the *Fisheries (Structural Reform Stage 2) and Other Legislation Amendment Regulation 2024*, part 2; or

(c) the implementation of changes under the *Marine Parks Act 2004* to zoning or management of the Great Sandy region related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

3 Definitions

In this schedule—

applicant means an entity applying for assistance under the scheme.

aquarium fish fishery see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 7A, part 1.

authorised boat, for a primary commercial fishing licence, for part 2, see section 4.

closing day see section 32(3).

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commercial fishery means a fishery under the *Fisheries (Commercial Fisheries) Regulation 2019*.

commercial fishing licence, for part 2, see section 4.

east coast fishery means a commercial fishery other than a commercial fishery in the Gulf region.

fish see the *Fisheries Act 1994*, section 5.

fishery symbol has the meaning given by the *Fisheries (General) Regulation 2019*.

fishing data means information given to the chief executive under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 or 6.

former crew member, for part 2, see section 7(2) or 8(2).

former skipper, for part 2, see section 7(1) or 8(1).

Great Barrier Reef region means east coast inshore management regions 1 to 4 under the *Fisheries (Commercial Fisheries) Regulation 2019*.

Great Sandy region means the area of the Great Sandy Marine Park under the *Marine Parks Act 2004*.

Gulf gillnet-free area see section 14.

Gulf region means the Gulf of Carpentaria waters under the *Fisheries Declaration 2019*, schedule 1, part 2.

hold, in relation to a primary commercial fishing licence, includes holding a suspended primary commercial fishing licence.

holder, of a primary commercial fishing licence, means the person to whom the licence is issued or transferred, other than temporarily transferred, under the *Fisheries Act 1994*.

move, for a fishery symbol written on a primary commercial fishing licence, means move the fishery symbol to another primary commercial fishing licence under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 3, part 4, division 2.

no fish period, for an applicant—

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(a) for part 4, see section 18(2)(b); or

(b) for part 5, see section 24(2)(b); or

(c) for part 6, see section 30(2)(b).

primary commercial fishing licence means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

relevant grid site—

(a) for part 4, see section 14; or

(b) for part 5, see section 20.

relevant map, for part 4, see section 14.

relevant period catch, for an applicant—

(a) for part 4, see section 14; or

(b) for part 5, see section 20; or

(c) for part 6, see section 26.

scheme means the scheme set out in this schedule.

scheme document means the document called 'Fisheries structural adjustment tables—Stage 2', version 1.0, published on the department's website.

special circumstances catch, for an applicant—

(a) for part 4, see section 15; or

(b) for part 5, see section 21; or

(c) for part 6, see section 27.

substituted period catch, for an applicant—

(a) for part 5, see section 20; or

(b) for part 6, see section 26.

surrender—

(a) for a fishery symbol written on a primary commercial fishing licence—means request the chief executive to amend the licence to remove the fishery symbol; or

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(b) for a primary commercial fishing licence—means surrender under the *Fisheries Act 1994*.

Part 2 Former skippers and crew members

4 Definitions for part

In this part—

authorised boat, for a primary commercial fishing licence, see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 11.

commercial fishing licence means a commercial fishing licence issued under the *Fisheries Act 1994*.

former crew member see section 7(2) or 8(2).

former skipper see section 7(1) or 8(1).

5 Nature of assistance

The nature of the assistance that may be given to a former skipper or crew member under this part of the scheme is a payment to replace approximately 4 weeks of income that the former skipper or crew member would have been expected to earn if—

(a) the primary commercial fishing licence under which they fished had not been surrendered by the holder of the primary commercial fishing licence; or

(b) the fishery symbol 'N3' that was written on the primary commercial fishing licence under which they fished had not been surrendered by the holder of the primary commercial fishing licence; or

(c) the fishery in which they fished had not been affected by—

(i) the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or

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(ii) the *Fisheries (Structural Reform Stage 2) and Other Legislation Amendment Regulation 2024*, part 2; or

(iii) the implementation of changes under the *Marine Parks Act 2004* to zoning or management of the Great Sandy region related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

6 Amount of assistance

The amount of assistance that may be given to an applicant under this part of the scheme is—

(a) if the applicant is a former skipper—$10,000; or

(b) if the applicant is a former crew member—$8,000.

7 Eligibility criteria—Gulf region

(1) An applicant (a ***former skipper***) is eligible for assistance under this part of the scheme if—

(a) on the same 20 days between 1 February 2024 and 17 May 2024 (both days inclusive)—

(i) the former skipper was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and

(ii) the primary commercial fishing licence had the fishery symbol 'N3' written on it; and

(iii) the former skipper held a commercial fisher licence; and

(b) the holder of the primary commercial fishing licence surrendered, under part 3—

(i) the primary commercial fishing licence; or

(ii) the fishery symbol 'N3' that was written on the licence; and

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(c) the former skipper is unemployed on at least 1 day after 17 May 2024; and

(d) the former skipper can demonstrate the matters mentioned in paragraphs (a)(i) and (iii) and (c) to the satisfaction of the authority.

(2) An applicant (a ***former crew member***) is eligible for assistance under this part of the scheme if—

(a) on the same 20 days between 1 February 2024 and 17 May 2024 (both days inclusive)—

(i) the former crew member was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and

(ii) the primary commercial fishing licence had the fishery symbol 'N3' written on it; and

(b) the holder of the primary commercial fishing licence surrendered, under part 3—

(i) the primary commercial fishing licence; or

(ii) the fishery symbol 'N3' that was written on the licence; and

(c) the former crew member is unemployed on at least 1 day after 17 May 2024; and

(d) the former crew member can demonstrate the matters mentioned in paragraphs (a)(i) and (c) to the satisfaction of the authority.

(3) An applicant is ineligible for assistance under this part if—

(a) the applicant—

(i) is the holder of a primary commercial fishing licence; and

(ii) is eligible for assistance under another part of this scheme or the scheme set out in schedule 57; or

(b) the applicant has already received a payment under this part.

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(4) Also, an applicant is ineligible for assistance under subsection (2) if the applicant is eligible for assistance under subsection (1).

8 Eligibility criteria—Great Barrier Reef and Great Sandy regions

(1) An applicant (a ***former skipper***) is eligible for assistance under this part of the scheme if—

(a) on the same 20 days between 5 June 2023 and 31 December 2023 (both days inclusive)—

(i) the former skipper was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and

(ii) the former skipper held a commercial fisher licence; and

(b) the holder of the primary commercial fishing licence on which the authorised boat is identified is eligible for any of the following assistance—

(i) assistance under part 4, division 1 or 2 of the scheme set out in schedule 57;

(ii) assistance under part 5 or 6 of this scheme; and

(c) the former skipper was unemployed on at least 1 day after 31 December 2023; and

(d) the former skipper can demonstrate the matters mentioned in paragraphs (a)(i) and (ii) and (c) to the satisfaction of the authority.

(2) An applicant (a ***former crew member***) is eligible for assistance under this part of the scheme if—

(a) the former crew member was employed on 20 days between 5 June 2023 and 31 December 2023 (both days inclusive) to fish at sea on an authorised boat for a primary commercial fishing licence; and

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(b) the holder of the primary commercial fishing licence on which the authorised boat is identified is eligible for any of the following assistance—

(i) assistance under part 4, division 1 or 2 of the scheme set out in schedule 57;

(ii) assistance under part 5 or 6 of this scheme; and

(c) the former crew member is unemployed on at least 1 day after 31 December 2023; and

(d) the former crew member can demonstrate the matters mentioned in paragraphs (a) and (c) to the satisfaction of the authority.

(3) An applicant is ineligible for assistance under this part if—

(a) the applicant—

(i) is the holder of a primary commercial fishing licence; and

(ii) is eligible for assistance under another part of this scheme or the scheme set out in schedule 57; or

(b) the applicant has already received assistance under this part.

(4) Also, an applicant is ineligible for assistance under subsection (2) if the applicant is eligible for assistance under subsection (1).

9 Conditions of assistance

(1) The payment to a former skipper or crew member under this part of the scheme is subject to the following conditions—

(a) the applicant must, before receiving the assistance, give the authority the boat mark for the authorised boat on which the applicant was employed to fish;

(b) if the applicant is a former skipper—the applicant must give consent for the chief executive to give the authority a copy of part of the authorities register to the extent it is relevant to the application.

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(2) In this section—

authorities register means the register kept by the chief executive of authorities issued by the chief executive under the *Fisheries Act 1994*.

boat mark, for an authorised boat, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 25.

Part 3 Surrender of primary commercial fishing licence and N3 fishery symbol—Gulf region

10 Nature of assistance

The nature of the assistance under this part of the scheme is a payment to holders of particular primary commercial fishing licences who decide to surrender the licence or the fishery symbol 'N3' written on the licence.

11 Amount of assistance

The amount of assistance that may be given to an applicant who is eligible for assistance under this part of the scheme is—

(a) for an applicant who surrenders a primary commercial fishing licence—$20,000; or

(b) for an applicant who surrenders the fishery symbol 'N3'—$100,000.

12 Eligibility criteria

For an applicant to be eligible to receive assistance under this part of the scheme, the applicant must—

(a) surrender—

(i) a primary commercial fishing licence; or

(ii) the fishery symbol 'N3'; and

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(b) demonstrate to the satisfaction of the authority that the primary commercial fishing licence or fishery symbol has been surrendered.

13 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

(a) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application;

(b) the applicant must give consent to the authority to give notice to the chief executive of the assistance given to the applicant under this part of the scheme.

Part 4 N3 and N11 licences—Gulf region

14 Definitions for part

In this part—

Gulf gillnet-free area means the following regulated waters under the *Fisheries Declaration 2019*, schedule 1, part 2—

(a) northern Gulf waters;

(b) Pormpuraaw waters;

(c) Topsy Creek;

(d) Norman River;

(e) western Gulf waters.

no fish period, for an applicant, see section 18(2)(b).

relevant grid site means an area of a commercial fishery shown on a relevant map as a Fisheries Queensland 6 minute grid site where catch will be affected, on 17 May 2024, when the area becomes part of a Gulf gillnet-free area.

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relevant map means a map in part 2.2–2.6 of the scheme document.

relevant period catch, for an applicant, means the amount worked out by—

(a) multiplying the total weight (expressed in kilograms) of fish taken, under the fishery symbol 'N3' or 'N11' written on the applicant's primary commercial fishing licence, in each relevant grid site during the period starting on 1 July 2019 and ending on 30 June 2023 by the percentage stated in the relevant map for the relevant grid site; and

(b) adding the result for each relevant grid site mentioned in paragraph (a).

special circumstances catch, for an applicant, see section 15.

15 Meaning of *special circumstances catch*

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\left(\frac{\mathbf{R}}{\mathbf{M}}\right) \times \mathbf{N} = \mathbf{C}$$

where—

C means the applicant's special circumstances catch (expressed in kilograms).

M means the number of months in the period starting on 1 July 2019 and ending on 30 June 2023 in which fish were taken on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

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16 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

(a) the fish taken, under particular fishery symbols written on the applicant's primary commercial fishing licence, from a relevant grid site between 1 July 2019 and 30 June 2023; and

(b) the projected price of fish in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

17 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this part of the scheme is—

(a) if the amount worked out under subsection (2) or (3) is 1,000 or less—$1,000; or

(b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—$5,000; or

(c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—$10,000; or

(d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.

(2) For subsection (1), if the applicant is eligible for assistance under section 18(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R}}{\mathbf{4}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

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(3) For subsection (1), if the applicant is eligible for assistance under section 18(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + C}}{\mathbf{4}}\right) \times \mathbf{M} \ = \ \mathbf{A}$$

where—

A means the amount.

C means the applicant's special circumstances catch.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

(4) In this section—

price multiplier, for a fish, means the number stated in part 3 of the scheme document opposite the fish.

18 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant held a primary commercial fishing licence on which the fishery symbol 'N3' or 'N11' was written for all or part of the period starting on 1 July 2019 and ending on 30 June 2023; and

(b) at least 1kg of fish was taken—

(i) under the primary commercial fishing licence when the fishery symbol 'N3' or 'N11' was written on the licence; and

(ii) from a relevant grid site; and

(iii) during the period starting on 1 July 2019 and ending on 30 June 2023; and

(c) the taking of the fish was recorded as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and

(d) the applicant holds a primary commercial fishing licence on which the fishery symbol 'N3' is written.

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(2) Also, an applicant is eligible for assistance under this part of the scheme if—

(a) the applicant is eligible for assistance under subsection (1); and

(b) the applicant's fishing data shows that no fish were taken under the applicant's primary commercial fishing licence in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 July 2019 and ending on 30 June 2023; and

(c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and

(d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

(3) For subsection (2)(c), special circumstances include—

(a) illness of the applicant or 1 or more of the applicant's dependants; and

(b) natural disaster; and

(c) another circumstance that prevented fish being taken under the applicant's primary commercial fishing licence during the no fish period.

(4) However, special circumstances do not include—

(a) refitting a boat; or

(b) fishing in another fishery; or

(c) working in another industry.

19 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

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(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the closing day;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 5 A1 and A2 licences—Great Sandy region

20 Definitions for part

In this part—

no fish period, for an applicant, see section 24(2)(b).

relevant grid site means an area of a commercial fishery shown on the map in part 1.1 of the scheme document as a Fisheries Queensland 6 minute grid site where catch will be affected, on 21 May 2024, by the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

relevant period catch, for an applicant, means the amount worked out by—

(a) multiplying the total number of fish taken by the applicant under the fishery symbol 'A1' or 'A2' written on the applicant's primary commercial fishing licence in each relevant grid site during the period starting on 1 September 2021 and ending on 30 June 2023 by the percentage stated in the map in part 1.1 of the scheme document for the relevant grid site; and

(b) adding the result for each relevant grid site mentioned in paragraph (a).

special circumstances catch, for an applicant, see section 21.

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substituted period catch, for an applicant, means the amount worked out by—

(a) multiplying the total number of fish taken by the applicant under the fishery symbol 'A1' or 'A2' written on the applicant's primary commercial fishing licence in each relevant grid site during the period starting on 1 July 2022 and ending on 31 August 2022 by the percentage stated in the map in part 1.1 of the scheme document for the relevant grid site; and

(b) adding the result for each relevant grid site mentioned in paragraph (a).

21 Meaning of *special circumstances catch*

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\frac{(\mathbf{R} + \mathbf{S})}{\mathbf{M}} \times \mathbf{N} = \mathbf{C}$$

where—

C means the applicant's special circumstances catch (expressed as a number of fish).

M means the number of months during the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught fish on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

22 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

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(a) the applicant's fishing history in the aquarium fish fishery in the Great Sandy region; and

(b) the projected price of the fish in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and

(c) changes to zoning and management in the Great Sandy region under the *Marine Parks Act 2004* that—

(i) relate to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*; and

(ii) affect, or are likely to affect, the applicant.

23 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this part of the scheme is—

(a) if the amount worked out under subsection (2) or (3) is 1,000 or less—$1,000; or

(b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—$5,000; or

(c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—$10,000; or

(d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.

(2) For subsection (1), if the applicant is eligible for assistance under section 24(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S}}{\mathbf{2}}\right) \times \mathbf{89.62775} \;=\; \mathbf{A}$$

where—

A means the amount.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

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(3) For subsection (1), if the applicant is eligible for assistance under section 24(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S + C}}{\mathbf{2}}\right) \times \mathbf{89.62775} \ = \ \mathbf{A}$$

where—

A means the amount.

C means the applicant's special circumstances catch.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

24 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant—

(i) held a primary commercial fishing licence on which the fishery symbol 'A1' or 'A2' was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) took at least 1 fish—

(A) under the primary commercial fishing licence when the fishery symbol 'A1' or 'A2' was written on the licence; and

(B) from a relevant grid site; and

(C) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(iii) recorded the taking of the fish as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; or

(b) the applicant—

(i) leased a primary commercial fishing licence on which 1 or more of the fishery symbols mentioned

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in paragraph (a)(i) was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) provides evidence of the lease mentioned in subparagraph (i); and

(iii) took at least 1 fish—

(A) under the primary commercial fishing licence when a fishery symbol mentioned in paragraph (a)(i) was written on the licence; and

(B) from a relevant grid site; and

(C) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(iv) recorded the taking of the fish as required under the *Fisheries (Commercial Fisheries) Regulation 2019*.

(2) Also, an applicant is eligible for assistance under this part of the scheme if—

(a) the applicant is eligible for assistance under subsection (1); and

(b) the applicant's fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and

(d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

(3) For subsection (2)(c), special circumstances include—

(a) illness of the applicant or 1 or more of the applicant's dependants; and

(b) natural disaster; and

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(c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.

(4) However, special circumstances do not include—

(a) refitting a boat; or

(b) fishing in another fishery; or

(c) working in another industry.

25 Conditions of assistance

The payment to an applicant for assistance under this part of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the closing day;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 6 Hammerhead sharks—east coast fisheries

26 Definitions for part

In this part—

no fish period, for an applicant, see section 30(2)(b).

relevant period catch, for an applicant, means the total weight (expressed in kilograms) of hammerhead shark taken under

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the applicant's primary commercial fishing licence in the period starting on 1 September 2021 and ending on 30 June 2023.

special circumstances catch, for an applicant, see section 27.

substituted period catch, for an applicant, means the total weight (expressed in kilograms) of hammerhead shark taken under the applicant's primary commercial fishing licence in the period starting on 1 July 2022 and ending on 31 August 2022.

27 Meaning of *special circumstances catch*

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\frac{(R + S)}{M} \times N = C$$

where—

C means the applicant's special circumstances catch (expressed in kilograms).

M means the number of months in the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught a hammerhead shark on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

28 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

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(a) the applicant's fishing history in east coast fisheries for hammerhead sharks; and

(b) the projected price of hammerhead sharks in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

29 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this part of the scheme is—

(a) if the amount worked out under subsection (2) or (3) is 1,000 or less—$1,000; or

(b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—$5,000; or

(c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—$10,000; or

(d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.

(2) For subsection (1), if the applicant is eligible for assistance under section 30(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S}}{\mathbf{2}}\right) \times \mathbf{17.82400588} \ = \ \mathbf{A}$$

where—

A means the amount.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

(3) For subsection (1), if the applicant is eligible for assistance under section 30(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R + S + C}}{\mathbf{2}}\right) \times \mathbf{17.82400588} \ = \ \mathbf{A}$$

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where—

A means the amount.

C means the applicant's special circumstances catch (expressed in kilograms).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

30 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant—

(i) held a primary commercial fishing licence on which 1 or more of the following fishery symbols was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023—

(A) 'N1', 'N2', 'N4', 'N10';

(B) 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', K8';

(C) 'L1', 'L2', 'L3', 'L4', 'L8' or 'S'; and

(ii) has taken at least 1kg of hammerhead shark—

(A) from an east coast fishery under the primary commercial fishing licence when a symbol mentioned in subparagraph (i) was written on the licence; and

(B) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(iii) recorded the taking of the hammerhead shark as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and

(iv) is not eligible for assistance under—

(A) this scheme, other than under this part; or

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(B) part 4 of the scheme set out in schedule 57; or

(b) the applicant—

(i) leased a primary commercial fishing licence on which 1 or more of the fishery symbols mentioned in paragraph (a)(i) was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and

(ii) provides evidence of the lease mentioned in subparagraph (i); and

(iii) has taken at least 1kg of hammerhead shark—

(A) from an east coast fishery under a fishery symbol mentioned in paragraph (a)(i) written on the primary commercial fishing licence; and

(B) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(iv) recorded the taking of the hammerhead shark as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and

(v) is not eligible for assistance under—

(A) this scheme, other than under this part; or

(B) part 4 of the scheme set out in schedule 57.

(2) Also, an applicant is eligible for assistance under this part of the scheme if—

(a) the applicant is eligible for assistance under subsection (1)(a); and

(b) the applicant's fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 September 2021 and ending on 30 June 2023; and

(c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and

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(d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

(3) For subsection (2)(c), special circumstances include—

(a) illness of the applicant or 1 or more of the applicant's dependants; and

(b) natural disaster; and

(c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.

(4) However, special circumstances do not include—

(a) refitting a boat; or

(b) fishing in another fishery; or

(c) working in another industry.

31 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the closing day;

(d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

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Part 7 General

32 Operation of scheme

(1) The scheme opens on 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.

(2) For assistance under parts 2 to 6, a part of the scheme closes on the earlier of the following days—

(a) the day on which the authority's assistance funds for the part become insufficient to pay further assistance under the part;

(b) the closing day.

(3) For subsection (2)(b), the ***closing day*** is—

(a) 30 June 2024; or

(b) the day stated in an extension notice made under section 33.

33 Extension of closing day

(1) The Minister 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 6 months after the commencement.

(2) However, the Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.

(3) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is made.

34 Requirements for applications

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

(a) be made on the approved form; and

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(b) be accompanied by the documents stated on the application form; and

(c) be given to the authority while the scheme is open under section 32.

(2) An application may be made by an applicant—

(a) if more than 1 person is a holder or lessee of the primary commercial fishing licence—with the consent of each other holder or lessee of the primary commercial fishing licence; or

(b) if a public company is the holder or lessee of the primary commercial fishing licence—with the consent of a director of the public company.

(3) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

35 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under a part of the scheme.

(2) However, the authority does not need to consider an application that does not comply with section 34(1).

(3) The authority must decide applications in the order they are received by the authority.

(4) The authority must refuse to approve an application for assistance under a part of the scheme if the authority's assistance funds for the assistance are not sufficient to pay for the assistance.

(5) If the authority refuses to approve an application for assistance, the authority must give the applicant written notice of the decision.

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Schedule 59 Fisheries structural adjustment scheme—stage 3

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

The objectives of the scheme are—

(a) to provide assistance to former holders and lessees of particular primary commercial fishing licences—

(i) to surrender usable nets; and

(ii) to remove equipment relating to the use of relevant mesh nets from their boats; and

(b) to provide assistance to owners of eligible businesses to assist them to diversify their businesses and adjust to the structural reforms.

2 Purposes of assistance

The purposes of assistance under the scheme are—

(a) to pay former holders and lessees of primary commercial fishing licences on which particular fishery symbols were written approximately 50% of the cost of usable nets surrendered by the former holders or lessees; and

(b) to pay former holders and lessees of primary commercial fishing licences for the removal of equipment related to the use of relevant mesh nets from their boats; and

(c) to pay owners of eligible businesses to diversify their businesses if the business relied on fish taken—

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(i) under primary commercial fishing licences on which particular fishery symbols were written; or

(ii) from particular parts of the Great Sandy region.

3 Definitions

In this schedule—

accredited marine surveyor, for part 3, see section 10.

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

certificate of survey, for part 3, see section 10.

closing day see section 22(3).

commercial fishery means a fishery under the *Fisheries (Commercial Fisheries) Regulation 2019*.

diversification plan, for an eligible business, for part 4, see section 17.

eligible business see section 16.

eligible refitting work, for a boat, for part 3, see section 11.

eligible survey work, for part 3, see section 10.

eligible symbol, for part 2, see section 5.

eligible work, for part 3, see section 10.

extension notice see section 24(1).

fishery symbol has the meaning given by the *Fisheries (General) Regulation 2019*.

fishing data means information given to the chief executive under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 or 6.

Great Sandy region see section 16.

hold, in relation to a primary commercial fishing licence, includes holding a suspended primary commercial fishing licence.

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holder, of a primary commercial fishing licence, means the person to whom the licence is issued or transferred, other than temporarily transferred, under the *Fisheries Act 1994*.

interested person, for an eligible business, for part 4, see section 16.

management region means an inshore management region under the *Fisheries (Commercial Fisheries) Regulation 2019*.

owner, of a business, see section 16.

primary boat, for a primary commercial fishing licence, for part 3, see section 10.

primary commercial fishing licence means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

relevant mesh net see section 4.

relevant period—

(a) for part 2, see section 5; or

(b) for part 3, see section 10.

scheme means the scheme set out in this schedule.

surrender, in relation to a usable net, means surrender to the authority.

tender boat, for a primary commercial fishing licence, for part 3, see section 10.

usable net see section 5.

4 Meaning of *relevant mesh net*

(1) A ***relevant mesh net*** is a mesh net that—

(a) has floats attached to the rope at the top of the net; and

(b) has a bottom rope; and

(c) has a mesh size of between 50mm and 215mm; and

(d) could lawfully have been used under a primary commercial fishing licence on which the fishery symbol ‘N1’, ‘N2’ or ‘N4’ was written.

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(2) Also, a ***relevant mesh net*** is a mesh net that—

(a) has floats attached to the rope at the top of the net; and

(b) has a bottom rope; and

(c) has a mesh size of between 160mm and 215mm; and

(d) may be used under a primary commercial fishing licence on which the fishery symbol 'N3' is written.

Part 2 Payment for surrender of particular fishing nets

5 Definitions for part

In this part—

eligible symbol means the fishery symbol 'N1', 'N2' or 'N4'.

relevant period means the period—

(a) starting on 1 September 2021; and

(b) ending on 30 June 2023.

usable net means a relevant mesh net that is in fair or repairable condition.

6 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment based on the length of usable net surrendered by the applicant.

7 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this part of the scheme is the amount worked out using the following formula—

$$\mathbf{L \times 12.5 = A}$$

where—

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A means the amount.

L means the lesser of the following—

(a) the length of usable net (expressed in metres) surrendered by the applicant; or

(b) the length of usable net the applicant intended to surrender and declared in accordance with section 8(1)(c) or (2)(b).

(2) However, the maximum amount of assistance that may be given to an applicant who is eligible for assistance under section 8(1) is—

(a) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol 'N1', but no other eligible symbol, was written—$15,000; or

(b) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol 'N2', or the fishery symbols 'N1' and 'N2', but no other eligible symbol, was written—$45,000; or

(c) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol 'N4', or the fishery symbols 'N1' and 'N4', but no other eligible symbol, was written—$60,000; or

(d) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbols 'N2' and 'N4', or the fishery symbols 'N1', 'N2' and 'N4', were written—$100,000.

Examples—

1 Fisher A held a primary commercial fishing licence on which the fishery symbol 'N1' was written during the relevant period. Fisher A surrenders 1 kilometre of usable net. The amount of assistance Fisher A is eligible for under the scheme is $12,500 (1,000 x 12.5).

2 Fisher B held a primary commercial fishing licence on which the fishery symbols 'N1' and 'N4' were written during the relevant period. Fisher B surrenders 4.5 kilometres of usable net. The

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amount of assistance Fisher B is eligible for under the scheme is $56,250 (4,500 x 12.5).

(3) Also, the maximum amount of assistance that may be given to an applicant who is eligible for assistance under section 8(2) is $30,000.

8 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant held or leased a primary commercial fishing licence on which an eligible symbol was written for at least 1 day during the relevant period; and

(b) the applicant took at least 1kg of fish—

(i) in accordance with an eligible symbol written on the applicant's primary commercial fishing licence; and

(ii) from a commercial fishery in any of management regions 1 to 5; and

(iii) during the relevant period; and

(c) the applicant declares that they intend to surrender a stated length of usable net; and

(d) the stated length is at least 1m.

(2) Also, an applicant is eligible for assistance under this part of the scheme if—

(a) the applicant surrendered, on or after 8 December 2023—

(i) a primary commercial fishing licence on which the fishery symbol 'N3' was written; or

(ii) the fishery symbol 'N3'; and

(b) the applicant declares that they intend to surrender a stated length of usable net; and

(c) the stated length is at least 1m.

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(3) An applicant is ineligible for assistance under this part of the scheme if—

(a) the applicant has already received assistance under this part of the scheme; or

(b) the applicant holds or leases a primary commercial fishing licence on which 1 or more of the following fishery symbols is written—

(i) 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8';

(ii) 'NX', 'N3', 'N10', 'N15'.

9 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

(a) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application;

(b) the applicant has surrendered 1 or more relevant mesh nets that the authority considers are usable nets.

Part 3 Grant for removal of equipment related to use of relevant mesh nets

10 Definitions for part

In this part—

accredited marine surveyor means a person who is accredited under the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (Cwlth), section 24.

certificate of survey see the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 6.

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eligible refitting work, for a boat, see section 11.

eligible survey work means work, performed by an accredited marine surveyor, associated with surveying a boat for a certificate of survey.

eligible work means eligible survey work or eligible refitting work.

primary boat, for a primary commercial fishing licence, means the boat identified in the primary commercial fishing licence.

relevant period means the period—

(a) starting on 1 September 2021; and

(b) ending on 30 June 2023.

tender boat, for a primary commercial fishing licence, means a boat, other than a primary boat, authorised for use under the primary commercial fishing licence.

11 Meaning of *eligible refitting work*

Eligible refitting work, for a boat, is work—

(a) to remove from the boat equipment used to deploy, retrieve, lift or stow relevant mesh nets; or

(b) to repair work directly related to work mentioned in paragraph (a); or

(c) to change the boat to meet the standards for a certificate of survey, if the changes are directly related to work mentioned in paragraph (a).

12 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a grant to cover the costs of—

(a) removing equipment related to the use of relevant mesh nets from boats that were used as primary boats or tender boats for particular primary commercial fishing licences; and

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(b) marine surveying associated with work mentioned in paragraph (a).

13 Amount of assistance

(1) The amount of assistance that may be given to an applicant under this part of the scheme is the cost, up to the maximum amount of assistance mentioned in subsection (2), of—

(a) if the primary boat for a primary commercial fishing licence is owned by the applicant—eligible work performed on the primary boat; or

(b) if a tender boat for the primary commercial fishing licence is owned by the applicant—eligible work performed on the tender boat.

(2) The maximum amount of assistance that may be given to an applicant, in relation to a primary commercial fishing licence, is—

(a) for an applicant who is eligible for assistance under section 14(1)—

(i) if the applicant held or leased, during the relevant period, a primary commercial fishing licence on which the fishery symbol 'N1' or 'N2', but not the fishery symbol 'N4', was written—$50,000; or

(ii) if the applicant was, during the relevant period, the holder or lessee of a primary commercial fishing licence on which the fishery symbol 'N4' was written—$100,000; or

(b) for an applicant who is eligible for assistance under section 14(2)—$50,000.

14 Eligibility criteria

(1) An applicant is eligible for assistance under this part of the scheme if—

(a) the applicant held or leased a primary commercial fishing licence on which the fishery symbol 'N1', 'N2' or 'N4' was written during the relevant period; and

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(b) the applicant took at least 1kg of fish—

(i) from a commercial fishery in any of management regions 1 to 5; and

(ii) in accordance with the fishery symbol 'N1', 'N2' or 'N4' written on the licence; and

(iii) during the relevant period; and

(c) the applicant owns the primary boat or a tender boat for the primary commercial fishing licence; and

(d) the applicant gives the authority at least 2 quotes for eligible work, and no other work, for the boat mentioned in paragraph (c) from—

(i) an accredited marine surveyor; or

(ii) a person who is qualified to undertake marine outfitting or repair.

(2) Also, an applicant is eligible for assistance under this part of the scheme if—

(a) the applicant surrendered, on or after 8 December 2023—

(i) a primary commercial fishing licence on which the fishery symbol 'N3' was written; or

(ii) the fishery symbol 'N3'; and

(b) the applicant owns the primary boat or a tender boat for the primary commercial fishing licence; and

(c) the applicant gives the authority at least 2 quotes for eligible work, and no other work, for the boat mentioned in paragraph (b), from—

(i) an accredited marine surveyor; or

(ii) a person who is qualified to undertake marine outfitting or repair.

(3) An applicant is ineligible for assistance under this part of the scheme if—

(a) the applicant has already received the maximum amount of assistance available under this part of the scheme; or

(b) the applicant holds or leases a primary commercial fishing licence on which 1 or more of the following fishery symbols are written—

(i) 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8';

(ii) 'NX', 'N3', 'N10', 'N15'.

15 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

(a) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent it is relevant to the application;

(b) before receiving assistance under this part of the scheme, the applicant must give the authority a tax invoice for the eligible work mentioned in section 14(1)(d) or (2)(c) from a person mentioned in the paragraph;

(c) if the assistance includes an amount for eligible survey work—before receiving the assistance, the applicant must give the authority a copy of the certificate of survey to which the eligible survey works relate;

(d) if the amount stated in a tax invoice for eligible work is more than the amount stated in the quote for the eligible work, the tax invoice must state, or be accompanied by, an explanation of the difference between the amounts.

Part 4 Business diversification grant

16 Definitions for part

In this part—

diversification plan, for an eligible business, see section 17.

eligible business means a business—

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(a) for which an entity holds an Australian Business Number; and

(b) either—

(i) that is carried on in Queensland; or

(ii) that has its headquarters located in Queensland.

Great Sandy region means the area of the Great Sandy Marine Park under the *Marine Parks Act 2004* on the commencement.

interested person, for an eligible business, means—

(a) if the owner of the business is a sole trader—the sole trader; or

(b) if the owner of the business is a partnership, proprietary company or trust—a partner in the partnership, a director of the company or the trustee of the trust.

owner, of a business, means the sole trader, partnership, proprietary company or trust that carries on the business.

17 Meaning of *diversification plan*

(1) A ***diversification plan***, for an eligible business, is a plan that includes—

(a) details of the actions the applicant is taking, or may take, to diversify the eligible business; and

(b) details of how the actions mentioned in paragraph (a) are likely to increase any of the following—

(i) the profit of the eligible business;

(ii) the number of people employed by the eligible business;

(iii) the resilience of the eligible business;

(iv) the business skills of an interested person for the eligible business; and

(c) an estimate of the projected income of the eligible business until the diversification plan is implemented; and

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(d) an explanation of, and evidence to support, the estimate mentioned in paragraph (c); and

Example of evidence to support the estimate mentioned in paragraph (c)—

a statement from a qualified financial adviser

(e) a statement that the applicant will contribute at least 50% of the money to implement the plan.

(2) A diversification plan must not include a proposal to use the assistance, or the money contributed by the applicant to implement the plan, to pay for operational expenses.

Examples of operational expenses—

insurance premiums, rates, rent, utility expenses, wages

18 Nature of assistance

The nature of the assistance that may be given to an applicant for an eligible business is a grant to assist the owner of the eligible business to diversify the business.

19 Amount of assistance

The amount of assistance that may be given to an applicant for an eligible business under this part of the scheme is a grant for lesser of the following amounts—

(a) 50% of the cost of implementing the diversification plan for the eligible business;

(b) $100,000.

20 Eligibility criteria

(1) An applicant is eligible for assistance for an eligible business under this part of the scheme if—

(a) the applicant is the owner of the eligible business; and

(b) the applicant declares that at least 75% of the income of the eligible business has been, or is projected to be, lost because the eligible business relied on fish taken—

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(i) under the fishery symbol ‘N1’, ‘N2’ or ‘N4’; or

(ii) from a relevant Great Sandy fishery that was, or will be, affected by the commencement of—

(A) the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or

(B) the *Marine Parks (Great Sandy) Zoning Plan 2024*; and

(c) the applicant demonstrates, to the satisfaction of the authority, that the declaration in paragraph (b) is correct, including the provision of evidence supporting the declaration; and

Example of evidence to support the declaration in paragraph (b)—

a statement from a qualified financial adviser

(d) the applicant gives the authority a diversification plan for the eligible business that complies with section 17; and

(e) the authority is satisfied the diversification plan for the eligible business—

(i) is practically feasible; and

(ii) is reasonably likely to return value for money for the eligible business; and

(iii) is reasonably likely to improve 1 or more of the following—

(A) the profit of the eligible business;

(B) the number of people employed by the eligible business;

(C) the resilience of the eligible business;

(D) the business skills of an interested person for the eligible business; and

(f) the applicant declares they will contribute at least 50% of the money to implement the diversification plan for the eligible business; and

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(g) the authority is satisfied the applicant will contribute 50% of the money to implement the diversification plan.

(2) An applicant is ineligible for assistance for an eligible business under this part of the scheme if—

(a) the applicant has already received the maximum amount of assistance under this part; or

(b) the diversification plan for the eligible business includes a proposal to use the assistance, or the money contributed by the applicant to implement the plan, to pay for operational expenses.

(3) In this section—

relevant Great Sandy fishery means a commercial fishery in the Great Sandy region for which 1 of the following fishery symbols is or was the fishery symbol for the fishery—

(a) 'A1', 'A2', 'C1', 'C2';

(b) 'K8', 'L1', 'L2', 'L3';

(c) 'N1', 'N2', 'N10', 'N11';

(d) 'T1', 'T2', 'T5', 'T6', 'T7'.

21 Conditions of assistance

(1) The payment of assistance to an applicant for an eligible business under this part of the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) the applicant must give the authority an acquittal statement for the assistance by the date stated in the agreement;

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(d) if the applicant contributes less than 50% of the money to implement the diversification plan, the applicant must repay all or part of the assistance to the authority.

(2) The authority may decide the amount to be repaid under subsection (1)(d).

Part 5 Applications

22 Operation of scheme

(1) The scheme opens on 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.

(2) For assistance under parts 2 to 4, the scheme closes on the earlier of the following days—

(a) the day on which the authority's assistance funds become insufficient to pay further assistance under the scheme;

(b) the closing day.

(3) For subsection (2)(b), the ***closing day*** is the later of the following days—

(a) 30 January 2025;

(b) the day stated in an extension notice made under section 24.

23 Requirements for applications

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

(a) be made on the approved form; and

(b) be accompanied by the documents stated on the application form; and

(c) be given to the authority while the scheme is open under section 22.

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(2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

24 Extension of closing day

(1) The Minister may, by notice published on the authority's website (an ***extension notice***), extend the closing day to a stated day that is no later than 1 August 2025.

(2) However, the Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.

(3) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is made.

25 Deciding applications

(1) The authority must consider, and decide to approve or refuse to approve, each application under the scheme.

(2) However, the authority does not need to consider an application that does not comply with section 23.

(3) The authority must decide applications in the order they are received by the authority.

(4) The authority must refuse to approve an application under a part of the scheme if the authority's assistance funds for the assistance applied for are not sufficient to pay for the assistance.

(5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

(6) The authority may, with the agreement of the applicant, approve an amount of assistance that is less than the amount applied for.

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Schedule 60 Sheep and goats electronic identification rebate scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to improve biosecurity and traceability in Queensland's sheep and goat industry.

2 Purpose of assistance

The purpose of assistance under the scheme is to give primary producers and livestock agents a rebate to offset up to half the cost of purchasing eligible hardware.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

approved device see the *Biosecurity Act 2014*, schedule 4.

designated place see the *Biosecurity Act 2014*, schedule 4.

***electronic reader*—**

(a) means a device that can be used to scan an approved device; but

(b) does not include any software or other equipment or infrastructure used to install or operate the device mentioned in paragraph (a).

Examples of other equipment or infrastructure—

batteries, cables or stands on which the device may be mounted

eligible hardware means—

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(a) if the applicant is a primary producer—

(i) an approved device for use on a sheep or a goat; or

(ii) an electronic reader; or

(iii) a combination of the devices mentioned in subparagraph (i) and (ii); or

(b) if the applicant is a livestock agent—an electronic reader.

livestock agent see section 5.

PIC see the *Biosecurity Act 2014*, schedule 4.

primary producer see section 4.

scheme means the scheme set out in this schedule.

4 Meaning of *primary producer*

(1) A ***primary producer*** means a registered biosecurity entity who, immediately before the entity makes an application under the scheme—

(a) keeps at least 30 sheep or goats, consisting of either sheep or goats or a combination of both; and

(b) keeps the sheep or goats at 1 or more designated places for which a PIC has been allocated.

(2) In this section—

registered biosecurity entity see the *Biosecurity Act 2014*, schedule 4.

5 Meaning of *livestock agent*

(1) A ***livestock agent*** means an entity—

(a) who holds—

(i) an Australian Business Number; and

(ii) an NLIS account as an agent that, within the 12 months immediately before making an application under the scheme, recorded the movement of sheep

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or goats off a designated place for which a PIC has been allocated; and

(b) who carries on business as a livestock agent in Queensland; and

(c) whose principle place of business is located in Queensland.

(2) In this section—

NLIS see the *Biosecurity Act 2014*, schedule 4.

NLIS account means an account registered under the NLIS.

Part 2 General provisions for scheme

6 Nature and amount of assistance

(1) The nature of the assistance available under the scheme is a rebate of up to half of the cost of eligible hardware purchased on or after 1 January 2023.

(2) The maximum amount of assistance payable to an applicant is—

(a) if the applicant is a primary producer—$1,600 for each PIC allocated to a designated place at which the primary producer keeps sheep or goats; or

(b) if the applicant is a livestock agent— $1,600.

7 Operation of scheme

(1) The scheme opens on 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.

(2) The scheme closes on 30 June 2025 (the ***closing day***).

(3) However, the Minister may, by notice published on the authority's website (the ***extension notice***), extend the closing day to a stated day that is not more than 6 months after the closing day.

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(4) The Minister may publish the extension notice only if the Minister is satisfied entities need more time in which to apply for assistance under the scheme.

(5) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the notice is published.

8 Eligibility criteria

An applicant is eligible to receive assistance under the scheme if the applicant—

(a) is a primary producer or a livestock agent; and

(b) purchased eligible hardware on or after 1 January 2023.

9 Requirements for applications

(1) An application for assistance under the scheme must be—

(a) made using the form approved by the authority; and

(b) accompanied by—

(i) copies of the tax invoices, official receipts or bank statements that evidence the amount claimed by the applicant; and

(ii) the documents stated in the approved form; and

(c) given to the authority while the scheme is open under section 7.

(2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

(3) In this section—

official receipt means a receipt that includes—

(a) the name and address of the entity that issued the receipt; and

(b) if the issuing entity has an Australian Business Number—the Australian Business Number; and

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(c) a description of each item to which the receipt relates; and

(d) the date the amount to which the receipt relates was paid.

10 Conditions for assistance—keeping records for audit

Payment of assistance to an applicant under the scheme is subject to the following conditions—

(a) the applicant must keep the originals of the documents mentioned in section 9(1)(b)(i) for 1 year after the day the scheme closes under section 7;

(b) the applicant must enable the authority to conduct an audit of the documents mentioned in paragraph (a) to verify amounts given to the applicant under the scheme are used in accordance with the application for assistance.

11 Deciding applications

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

(2) However, the authority does not need to consider an application if the application or the applicant does not comply with section 9.

(3) The authority must refuse to approve an application if the authority's assistance funds for the scheme are not sufficient to pay for the assistance applied for in the application.

(4) If the authority refuses to approve the application, the authority must give the applicant written notice of the decision.

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Schedule 61 Regional drought resilience planning scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide financial assistance, under agreements entered into from time to time between the Commonwealth and the State, to eligible entities to improve drought resilience in relevant regions.

2 Purpose of assistance

The purpose of financial assistance under the scheme is to provide grants to an eligible entity to assist it with paying—

(a) wages and salaries necessary to amend a draft plan as required by the Commonwealth Minister for drought; or

(b) in relation to the entity's regional drought resilience plan—

(i) wages and salaries necessary to carry out eligible activities identified in the plan; and

(ii) other costs associated with carrying out eligible activities identified in the plan.

3 Definitions for schedule

In this schedule—

activity grant see section 4.

applicant means an entity applying for assistance under the scheme.

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Commonwealth Minister for drought means the Drought Minister within the meaning of the *Future Drought Fund Act 2019* (Cwlth), section 5.

draft plan, for an eligible entity, see section 5.

drought resilience see the *Future Drought Fund Act 2019* (Cwlth), section 5.

eligible activities see section 6.

eligible entity see section 7.

eligibility notice see section 8.

regional drought resilience plan, for an eligible entity, see section 9.

relevant Commonwealth department means the government department administered by the Commonwealth Minister for drought.

relevant region, in relation to an eligible entity, means a particular area or region of the State identified in the entity's regional drought resilience plan or draft plan.

remuneration grant see section 10.

scheme means the scheme set out in this schedule.

4 Meaning of *activity grant*

An ***activity grant*** is a grant of financial assistance to an applicant under the scheme for carrying out eligible activities identified in the applicant's regional drought resilience plan.

5 Meaning of *draft plan*

A ***draft plan***, for an eligible entity, is a plan about drought resilience in a particular area or region of the State, that—

(a) was given to the chief executive by the eligible entity before the commencement; and

(b) that has not been approved, or refused to be approved, by the Commonwealth Minister for drought as a regional drought resilience plan.

6 Meaning of *eligible activities*

Eligible activities are activities that—

(a) are identified in a regional drought resilience plan; and

(b) are designed to improve drought resilience for the relevant region for the plan; and

(c) are carried out after the plan is published on the relevant Commonwealth department's website; and

(d) are completed no later than the day the scheme closes under section 15.

7 Meaning of *eligible entity*

(1) Each of the following is an ***eligible entity***—

(a) a local government;

(b) a natural resource management organisation;

(c) a regional development authority committee;

(d) a regional organisation of councils.

(2) In this section—

natural resource management organisation means an entity established to manage, protect and preserve the natural resources of a particular area or region of the State.

Examples—

Desert Channels Group, Fitzroy Basin Association

Regional Development Australia Charter means the document of that name made by the Commonwealth Minister responsible for regional development on 28 July 2023 and published on the website of Regional Development Australia.

regional development authority committee means a committee—

(a) established by the Commonwealth Government to represent a particular region or area of the State; and

(b) that operates in accordance with the Regional Development Australian Charter.

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regional organisation of councils means an entity established to represent 2 or more local governments within a particular region or area of the State.

8 Meaning of *eligibility notice*

(1) An ***eligibility notice*** is a written notice stating the matters mentioned in subsection (2) that is given by the chief executive to an eligible entity for the purposes of enabling the entity apply for assistance under the scheme in relation to the entity's regional drought resilience plan or draft plan.

(2) The notice must state—

(a) if the notice relates to a regional drought resilience plan—

(i) that the Commonwealth Minister for drought has approved the eligible entity's draft plan as a regional drought resilience plan; and

(ii) the eligible activities identified in the plan in relation to which the entity may apply for assistance under the scheme; and

(iii) the amount of financial assistance the chief executive recommends may be granted by the authority in relation to stated wages, salary or fees to carry out the eligible activities; or

(b) if the notice relates to a draft plan—

(i) that the Commonwealth Minister for drought requires the plan to be amended before it may be approved as a regional drought resilience plan; and

(ii) the amount of financial assistance the chief executive recommends may be granted by the authority in relation to stated wages, salary or fees to amend the draft plan in accordance with the Commonwealth Minister for drought's requirements.

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9 Meaning of *regional drought resilience plan*

A ***regional drought resilience plan***, for an eligible entity, is a plan about drought resilience for a stated relevant region, to which the entity is a party, that is—

(a) approved by the Commonwealth Minister for drought under the program known as the Future Drought Fund Regional Drought Resilience Planning Program administered by the relevant Commonwealth department; and

(b) published on the relevant Commonwealth department's website.

10 Meaning of *remuneration grant*

A ***remuneration grant*** is a grant of financial assistance to an applicant under the scheme for wages, salary or fees the entity pays a person employed or otherwise engaged to assist the applicant—

(a) for a draft plan—to make amendments to the draft plan as required by the Commonwealth Minister for drought before the plan is approved as a regional drought resilience plan; or

(b) for a regional drought resilience plan—to carry out eligible activities identified in the plan.

Part 2 General provisions for scheme

11 Nature of assistance

(1) The nature of the financial assistance that may be given to an applicant under the scheme is—

(a) an activity grant; or

(b) a remuneration grant.

(2) An applicant may apply for both an activity grant and a remuneration grant.

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(3) Also, an applicant who applies for a remuneration grant for a draft plan may also apply for a remuneration grant for the regional drought resilience plan.

12 Amount of assistance

(1) The maximum amount of the financial assistance available under the scheme is—

(a) for an activity grant—$300,000 (exclusive of GST); or

(b) for a remuneration grant—$150,000 (exclusive of GST).

(2) In deciding the amount of financial assistance to be granted to an applicant under the scheme, the authority must have regard to the recommended amount stated by the chief executive in the eligibility notice given to the applicant.

13 Eligibility criteria—activity grants

(1) An applicant is eligible to receive an activity grant under the scheme if the authority is satisfied—

(a) the applicant is an eligible entity; and

(b) the applicant is a party to a regional drought resilience plan; and

(c) activities identified in the plan are eligible activities; and

(d) the chief executive has given the applicant an eligibility notice.

(2) However, the applicant is not eligible to receive an activity grant for administration costs that are not related to—

(a) making the application for assistance; or

(b) the carrying out of the eligible activities identified in the regional drought resilience plan.

(3) Also, an applicant is not eligible to receive an activity grant if an activity grant has already been approved in relation to the regional drought resilience plan.

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14 Eligibility criteria—remuneration grants

(1) An applicant is eligible to receive a remuneration grant under the scheme if the authority is satisfied of the following matters—

(a) the applicant is an eligible entity;

(b) if the application relates to a draft plan—the Commonwealth Minister for drought requires the applicant to amend the plan before the plan is approved as a regional drought resilience plan;

(c) if the application relates to a regional drought resilience plan—activities identified in the plan are eligible activities;

(d) the chief executive has given the applicant an eligibility notice.

(2) However, the applicant is not eligible to receive an remuneration grant in relation to a draft plan for wages, salary or fees paid by the applicant, or an eligible entity identified in the plan, before the commencement.

(3) Also, an applicant is not eligible for a remuneration grant—

(a) if the application relates to a draft plan—if a remuneration grant has already been approved in relation to the plan; or

(b) if the application relates to a regional drought resilience plan—if a remuneration grant has already been approved in relation to the plan.

15 Operation of scheme

(1) The scheme opens on 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.

(2) The scheme closes on 30 June 2025 (the ***closing day***).

(3) However, the Minister may, by notice (an ***extension notice***) published on the authority's website, extend the closing day to a stated day that is not later than 30 June 2026.

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(4) The Minister may publish the extension notice only if the Minister is satisfied entities need more time in which to apply for assistance under the scheme.

(5) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is published.

16 Requirements for applications

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

(a) be made using the form approved by the authority; and

(b) if the application is for an activity grant—state the eligible activities the subject of the application; and

(c) be accompanied by—

(i) the applicant's eligibility notice; and

(ii) the other documents stated in the form; and

(d) be given to the authority before the end of the closing day under section 15.

(2) Also, if more than 1 eligible entity is identified in a regional drought resilience plan as a party to the plan, the application must evidence the consent of each eligible entity identified in the plan to the making of the application.

(3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

17 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 16.

(2) In deciding the application, the authority must—

(a) for an application relating to a regional drought resilience plan—have regard to the recommendation

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stated in the eligibility notice given to the applicant by the chief executive; and

(b) be satisfied that the draft plan or regional drought resilience plan the subject of the application will improve drought resilience in the relevant region.

(3) The authority must refuse to approve an application if the funds for the scheme are not sufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

18 Conditions of assistance—general

The payment of financial assistance to an applicant under the scheme is subject to the following conditions—

(a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;

(b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);

(c) if requested by the authority, the applicant must give the authority a report (the ***report***) about how the financial assistance is enabling the entity—

(i) for assistance relating to a draft plan—to amend the draft plan as required by the Commonwealth Minister for drought: or

(ii) for assistance relating to a regional drought resilience plan—to carry out eligible activities under the plan;

(d) the applicant gives consent to the authority to share the report or information included in the report with—

(i) the chief executive; and

(ii) the Commonwealth Minister for drought.

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19 Additional conditions of assistance—keeping records

The payment to an eligible entity of a grant of financial assistance under the scheme is also subject to the following conditions—

(a) the applicant must keep all tax invoices for payments made by the applicant for which the applicant receives assistance under the scheme until the day that is 1 year after the day scheme closes under section 15;

(b) the applicant consents to the authority conducting an audit of the records mentioned in paragraph (a) to verify that assistance given to the applicant under the scheme is used in accordance with the application for assistance.

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Schedule 62 E-mobility rebate scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to make eligible devices more affordable for particular individuals.

2 Purpose of assistance

The purpose of the scheme is to provide rebates to particular individuals to offset the cost of purchasing an eligible device.

3 Definitions for schedule

In this schedule—

applicant means an individual applying for assistance under the scheme.

e-bicycle means a power-assisted bicycle under the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Note—

The Queensland Road Rules, section 353B prescribes vehicles that are, and vehicles that are not, power-assisted bicycles.

eligible device see section 4.

e-scooter see section 5.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible device*

(1) An ***eligible device*** is an e-bicycle or e-scooter that—

(a) has not previously been sold or used; and

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(b) is fitted with a battery management system; and

(c) is supplied with a charger that—

(i) is marked with the regulatory compliance mark in compliance with the RCM standard; and

(ii) is registered in the national register under the *Electrical Safety Act 2002*.

(2) However, an ***eligible device*** does not include an accessory for the device, other than a charger for the device.

Examples of accessories for an eligible device—

- helmets
- baskets, lights, mirrors or locks that are not part of the eligible device

(3) In this section—

battery management system means a system designed to manage the charging and discharging of cells in a battery to enable a safe range of voltages and currents to be applied or supplied by the battery.

RCM standard means AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment), published jointly by Standards Australia and Standards New Zealand.

5 Meaning of *e-scooter*

(1) A personal mobility device is an ***e-scooter*** if—

(a) the device has—

(i) 1 wheel at the front, and 1 or 2 wheels at the back, of the device; or

(ii) 1 or 2 wheels at the front, and 1 wheel at the back, of the device; and

(b) the device has a footboard supported by the wheels; and

(c) the device is steered by handlebars; and

(d) the device is not more than 1,250mm in length by 700mm in width by 1,350mm in height; and

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(e) the electric motor propelling the device is not capable of operating when the device is going faster than 25km/h.

(2) In this section—

personal mobility device see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Note—

The Queensland Road Rules, section 15A prescribes requirements for a vehicle to be a personal mobility device.

Part 2 General provisions for scheme

6 Nature and amount of assistance

(1) The nature of the assistance available under the scheme is a rebate to offset the cost of purchasing an eligible device.

(2) The amount of the assistance is the lesser of the following amounts—

(a) the amount mentioned in subsection (3) for the eligible device;

(b) the cost of the eligible device (inclusive of GST).

(3) For subsection (2)(a), the amount is—

(a) for an eligible device that is an e-bicycle—$500; or

(b) for an eligible device that is an e-scooter—$200.

7 Eligibility criteria

(1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—

(a) the applicant is an adult; and

(b) the applicant resides in Queensland; and

(c) on or after the day the scheme opens under section 8(a), the applicant purchased an eligible device from an eligible business; and

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(d) the applicant has paid in full for the eligible device; and

(e) the applicant has not purchased the eligible device to be used as part of a business; and

(f) the applicant has not already received assistance under the scheme for an eligible device; and

(g) no more than 2 other individuals occupying the principal place of residence occupied by the applicant have received assistance under the scheme for an eligible device.

(2) In this section—

eligible business means—

(a) a retail business in Queensland; or

(b) an online business for which an entity holds an Australian Business Number.

8 Operation of scheme

The scheme—

(a) opens on the day stated on the authority's website as the day the scheme opens; and

(b) closes on the earlier of the following days—

(i) the day stated on the authority's website as the day the scheme closes;

(ii) the day on which the authority's assistance funds become insufficient to pay further assistance under the scheme.

9 Requirements for applications

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

(a) be made using the form approved by the authority; and

(b) be accompanied by the documents stated in the form; and

(c) be given to the authority while the scheme is open under section 8.

(2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

(3) If the applicant does not comply with a request made by the authority under subsection (2), the applicant's application is taken to be withdrawn.

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.

(2) The authority must decide applications in the order they are received by the authority.

(3) The authority must refuse to approve an application if the funds for the scheme are insufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

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Schedule 63 Feral pest exclusion fencing grants scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide financial assistance to eligible landholders to assist in paying for eligible projects.

2 Purpose of assistance

The purpose of assistance under the scheme is to give eligible landholders a grant to contribute to the cost of an eligible project.

3 Definitions for schedule

In this schedule—

applicant means a person applying for assistance under a round of the scheme.

eligible exclusion fencing see section 4.

eligible landholder means a landholder who carries on a grazing enterprise in an eligible rural area.

eligible project see section 5.

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

(a) Balonne Shire;

(b) Banana Shire;

(c) Barcaldine Region;

(d) Barcoo Shire;

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(e) Blackall-Tambo Region;

(f) Boulia Shire;

(g) Bulloo Shire;

(h) Burdekin Shire;

(i) Burke Shire;

(j) Carpentaria Shire;

(k) Cassowary Coast Region;

(l) Central Highlands Region;

(m) Charters Towers Region;

(n) Cloncurry Shire;

(o) Cook Shire;

(p) Croydon Shire;

(q) Diamantina Shire;

(r) Douglas Shire;

(s) Etheridge Shire;

(t) Flinders Shire;

(u) Gladstone Region;

(v) Goondiwindi Region;

(w) Gympie Region;

(x) Hinchinbrook Shire;

(y) Isaac Region;

(z) Livingstone Shire;

(za) Lockyer Valley Region;

(zb) Longreach Region;

(zc) Maranoa Region;

(zd) Mareeba Shire;

(ze) McKinlay Shire;

(zf) Mount Isa City;

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(zg) Murweh Shire;

(zh) North Burnett Region;

(zi) Paroo Shire;

(zj) Quilpie Shire;

(zk) Richmond Shire;

(zl) Scenic Rim Region;

(zm) Somerset Region;

(zn) South Burnett Region;

(zo) Southern Downs Region;

(zp) Tablelands Region;

(zq) Western Downs Region;

(zr) Whitsunday Region;

(zs) Winton Shire.

grazing enterprise means a business—

(a) involving grazing livestock; and

(b) for which an entity holds an Australian Business Number.

landholder see section 6.

livestock means cattle, goats or sheep.

project agreement see section 14(a).

scheme means the scheme set out in this schedule.

4 What is *eligible exclusion fencing*

Exclusion fencing is ***eligible exclusion fencing*** if the authority is satisfied the fencing is constructed in a way that will significantly reduce the ability of wild dogs to access areas protected by the fencing.

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5 What is an *eligible project*

An ***eligible project*** is a project—

(a) involving the construction of eligible exclusion fencing on the boundary of a property of an eligible landholder in an eligible rural area; and

(b) that the authority is satisfied is likely to be completed no later than 3 years after the day the construction starts.

6 Who is a *landholder*

A ***landholder*** is any of the following entities—

(a) if the land is freehold land—the registered owner of the land;

(b) if the land is the subject of a lease registered under the *Land Title Act 1994*—the lessee of the land;

(c) if the land is the subject of a lease registered under the *Land Act 1994*—the lessee of the land;

(d) if the land is a reserve—the trustee of the reserve;

(e) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.

Part 2 General provisions of scheme

7 Nature of assistance

(1) The nature of assistance that may be given to an applicant under a round of the scheme is a grant to offset part of the cost of an eligible project.

(2) However, a grant of assistance is not available for—

(a) funding the construction of cluster fencing; or

(b) funding the maintenance, repair, reinstatement or replacement of existing fencing.

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8 Amount of assistance

(1) An applicant for assistance for an eligible project may be given an amount of assistance of up to half of the total cost of the project.

(2) However, the maximum amount of assistance that may be given to an applicant under subsection (1) is—

(a) for an eligible project involving the construction of no more than 50kms of eligible exclusion fencing—

(i) $5,000 for each whole kilometre of fencing to be constructed; and

(ii) a proportionate amount of $5,000 for part of a kilometre of fencing to be constructed; or

(b) for an eligible project involving the construction of more than 50kms of eligible exclusion fencing—$250,000.

9 Eligibility criteria

An applicant is eligible to receive assistance for an eligible project under the scheme if the applicant—

(a) is an eligible landholder; and

(b) demonstrates to the satisfaction of the authority that the applicant—

(i) can contribute at least half of the cost of the eligible project; and

(ii) has suffered significant loss of income as a result of the predation of livestock by wild dogs; and

(iii) has adequate experience or other qualifications to give the applicant a reasonable prospect of success in completing the eligible project; and

(c) has not previously received assistance under the scheme for an eligible project.

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10 Scheme to operate in rounds

(1) The scheme will operate in rounds.

(2) A round of the scheme opens on the day stated on the primary industries department's website (the ***opening day***).

(3) A round of the scheme closes on the earlier of the following days (each the ***closing day***)—

(a) the day stated on the primary industries department's website as the day the round closes;

(b) the day on which the authority's assistance funds become insufficient to pay further assistance under the round.

(4) An application for assistance under a round of the scheme may be made from the opening day until the end of the closing day.

(5) In this section—

primary industries department means the department in which the *Biosecurity Act 2014* is administered.

11 Requirements for applications

(1) An application for assistance must—

(a) be made using the form approved by the authority; and

(b) be accompanied by the documents stated on the form.

(2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information within the reasonable period stated in the request.

(3) If the applicant does not comply with a request made under subsection (2), the applicant's application is taken to be withdrawn.

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12 Priority of consideration of applications

(1) The authority must consider approving applications for assistance for eligible projects in the following descending order of priority—

(a) from applications relating to eligible projects the authority considers will provide the greatest benefit to an eligible rural area in reducing the predation of livestock by wild dogs;

(b) to applications relating to eligible projects the authority considers will provide the least benefit to an eligible rural area in reducing the predation of livestock by wild dogs.

(2) However, the authority may also consider each of the following matters for prioritising an application for assistance for an eligible project—

(a) the actions the applicant has taken to prevent predation of livestock by wild dogs in the 3 years before the application was made;

(b) whether, in the authority's opinion, the project represents reasonable value for money;

(c) the extent to which the authority considers the project—

(i) will increase the productivity and viability of the applicant's grazing enterprise; and

(ii) will complement the actions mentioned in paragraph (a);

(d) the actions the applicant proposes to take to manage any risks identified by the applicant in completing the project, including the systems and practices the applicant intends to adopt to mitigate the risks;

(e) the actions the applicant proposes to take to maintain the exclusion fencing to which the project relates.

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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 may approve a lesser amount of assistance than applied for in the application.

(3) The authority must refuse to approve an application if the authority's assistance funds for the scheme are insufficient to pay for the assistance.

(4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

14 Conditions of assistance

The payment of assistance to a person for an eligible project is subject to the following conditions—

(a) before receiving the assistance, the person must enter into a written agreement (the ***project agreement***) with the authority that sets out the terms on which the assistance is to be provided;

(b) the person must comply with the terms of the project agreement;

(c) any works relating to the project must not start until after the project agreement is entered into;

(d) if asked by the authority, the person must, within the reasonable time stated in the request, give the authority a written report stating—

(i) the estimated total cost of the project, whether or not the project is complete; and

(ii) if the project is not complete—

(A) the steps taken towards completing the project; and

(B) the cost of each step; and

(C) the estimated time needed to complete the project;

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(e) the person must not engage a person (a ***service provider***) to provide a service for the project if—

(i) the service provider is employed by an entity owned, or partly owned, by the person; or

(ii) the service provider is an entity owned, or partly owned, by the applicant;

(f) the person must not obtain goods for the project from an entity owned, or partly owned, by the person.

15 Payment of assistance

(1) The authority may pay the amount of assistance approved under the scheme only if satisfied the person receiving the assistance has complied with the terms of the project agreement and the other conditions mentioned in section 14.

(2) The authority may pay the assistance in instalments at intervals decided by the authority.