



Queensland
Government

ADMINISTRATIVE DIRECTION HARDSHIP SUPPORT FOR SOLE TRADERS

BACKGROUND

On 14 September 2021, the Queensland Government announced a package of support for businesses in the border area, including support that is triggered if the closure of the Queensland-New South Wales border from 14 August 2021 extends for a period of 2 months or longer (that is, until at least 14 October 2021). This package includes \$1,000 one-off grants for non-employed sole traders in the border area that received, or are eligible to receive, an initial sole trader grant under *Administrative Direction-Business Support for Sole Traders* and have been continuously affected by border closure events between 14 August 2021 and 14 October 2021 (border business zone hardship grant).

On 14 October 2021, the Treasurer and Minister for Trade and Investment approved an administrative direction to establish the basis for the administration of the border business zone hardship grant by the Commissioner of State Revenue (Commissioner) or his delegates, including general availability, the eligibility criteria for applicants, how to apply for the grant, payment of the grant, and other provisions relating to administration of the grant.

ADMINISTRATIVE DIRECTION

General availability

1. Subject to the conditions set out in this administrative direction, the border business zone hardship grant is available to eligible non-employing sole traders if border closure events have been in effect throughout the ongoing hardship eligibility period.

Eligibility criteria

2. To be eligible for the border business zone hardship grant for an impacted business, an applicant must:
 - (a) have received an initial sole trader grant for the impacted business, or be eligible to receive an initial sole trader grant for the impacted business and have applied for that grant by the application closing date in the *Administrative Direction-Business Support for Sole Traders*; and
 - (b) declare that the impacted business:
 - (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.
3. An applicant that received the initial sole trader grant is not eligible for the border business zone hardship grant if:
 - (a) the applicant does not, or is no longer able to, satisfy the eligibility criteria of the initial sole trader grant as provided for in *Administrative Direction-Business Support for Sole Traders*; or
 - (b) the decision on an application to pay the initial sole trader grant is varied or reversed because the applicant is found not to have satisfied the eligibility criteria for the initial sole trader grant as provided for in *Administrative Direction-Business Support for Sole Traders*.
4. An applicant must satisfy the eligibility criteria in this administrative direction at the time the application for the border business zone hardship grant is made.
5. To remove any doubt, an applicant may only apply for one border business zone hardship grant.

Definitions for general availability and eligibility criteria

6. The **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 which is available via the Business Queensland website.
7. A **border closure event** means the imposition of restrictions under a COVID-19 border restrictions direction.
8. A **COVID-19 border restrictions direction** means-
 - (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 revoked 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.
9. An **employee** means an individual who is employed, or ordinarily employed, in a business. To remove any doubt, a sole trader is not an employee of the business conducted by the sole trader. Also, an individual who performs work under a contract for services with a sole trader, for example, a contractor, is not an employee of the business conducted by the sole trader.

10. **Initial sole trader grant** means a COVID-19 Business Support Grants scheme payment for non-employing sole traders administered under *Administrative Direction-Business Support for Sole Traders*.
11. A **non-employing sole trader** means a sole trader who does not employ any employees in their business.
12. The **ongoing hardship eligibility period** means the period starting on 14 August 2021 and ending on 14 October 2021.
13. A **sole trader** means an individual who owns, controls and manages their own business. For the purposes of this grant, a sole trader can also include a non-employing business who operates through a company, partnership or trust structure, subject to meeting all other eligibility criteria as provided for in this administrative direction and *Administrative Direction-Business Support for Sole Traders*.

Applying for the grant

14. To access the border business zone hardship grant, an applicant must, by 31 January 2022 (application closing date), make an application through an online system via a personalised link provided by the Commissioner.
15. Applications for the border business zone hardship grant must be made to the Commissioner.
16. An application for the border business zone hardship grant must be made in the way approved by the Commissioner and supported by the information required by the Commissioner.

Payment of the grant

17. Subject to paragraph 1, a border business zone hardship grant is payable on an application under this administrative direction if the applicant satisfies the eligibility criteria and the applicant has lodged an application with the Commissioner by the application closing date.
18. If the Commissioner is satisfied a border business zone hardship grant is payable on application, the Commissioner must authorise the payment of the grant to the applicant.
19. The border business zone hardship grant must be paid by electronic funds transfer.

Notice of decision

20. If the Commissioner decides an application, or decides to vary or reverse an earlier decision on an application, the Commissioner must give the applicant written notice of the decision.
21. If the decision is to refuse an application, or to vary or reverse an earlier decision on an application, the notice must state the reasons for the decision.

Repayment of the grant

22. The Commissioner may, by written notice, require an applicant to repay an amount paid on application if the amount was paid in error or if the applicant is later found not to have satisfied the eligibility criteria. The notice must state the reasons for the decision.
23. An amount to which paragraph 22 applies is a debt payable to the Commissioner and may be recovered in a court of competent jurisdiction.

Administration of the grant

24. The Commissioner may delegate the Commissioner's powers under this administrative direction to an appropriately qualified officer, employee or contractor.
25. By applying for the border business zone hardship grant, the applicant agrees that:
 - (a) their application may be subject to an audit by the Commissioner and that they will participate in the process if requested, for example by giving information or providing documents as required;
 - (b) they will notify the Commissioner, within 28 days of becoming aware, if any information provided in relation to their application is not, or is no longer, correct and will provide the Commissioner with the correct information;
 - (c) they will keep the records necessary to enable their eligibility for the grant to be ascertained for a period of 5 years; and
 - (d) the Commissioner may share the information provided by an applicant in relation to their application for the grant with other state and Commonwealth government agencies as necessary and appropriate for the purposes of determining an applicant's eligibility for the grant.
26. The Commissioner may amend or vary the terms of this administrative direction to change any requirement or process necessary to ensure the proper administration and integrity of the border business zone hardship grant in Queensland.