



**Queensland**  
Government

## **ADMINISTRATIVE DIRECTION**

### **BUSINESS SUPPORT FOR SOLE TRADERS**

#### **BACKGROUND**

On 13 August 2021, the Queensland and Australian Governments announced a package of additional COVID-19 Business Support Grants for lockdown-impacted businesses in Queensland that have had a decline in turnover of at least 30 per cent. This package includes \$1,000 one-off grants for eligible non-employing sole traders (sole trader grant).

On 19 August 2021, the Treasurer and Minister for Investment approved an administrative direction to establish the basis for the administration of the sole trader grant by the Commissioner of State Revenue (Commissioner) or his delegates, including the eligibility criteria for applicants, how to apply for the grant, payment of the grant, and other provisions relating to administration of the grant.

On 16 September 2021, the Treasurer and Minister for Investment approved amendments to the administrative direction to extend eligibility for the sole trader grant to eligible businesses in the border area that have been impacted by the closure of the Queensland-New South Wales border from 14 August 2021. Applicants for the grant must agree to the terms and obligations set out in this administrative direction.

## ADMINISTRATIVE DIRECTION

### Eligibility criteria

1. To be eligible for the sole trader grant, an applicant must:
  - (a) be a non-employing sole trader
  - (b) have an Australian Business Number (ABN) for the business that has been held continuously since 30 June 2021
  - (c) be registered for GST
  - (d) have a principal place of business address located in Queensland and the impacted business was based and trading in Queensland on 31 July 2021
  - (e) not be insolvent or have owners/directors/partners/trustees that are insolvent or an undischarged bankrupt
  - (f) have an annual turnover of more than \$75,000 during any of the 2018-19, 2019-20 or 2020-21 financial years or, for businesses that have not been trading for a full financial year, be able to provide financial records to indicate that the sole trader could reasonably expect that the business's turnover will exceed \$75,000 for the 2021-22 financial year
  - (g) have either
    - (i) if the application relates to a lock down event - been required to stop operating or limit the business' operations because of a lock down event, or otherwise been affected by a lock down event, detailed in a COVID-19 lock down direction during a nominated 7-day period which must include at least 1 full day of the lockdown event; or
    - (ii) if the application relates to a border closure event - been trading in the border area on 31 July 2021 and affected by a border closure event detailed in a COVID-19 border restrictions direction during a nominated 7-day period which must include at least 1 full day of the border closure event
  - (h) declare that the business' turnover has reduced by 30% or more for the nominated 7-day period identified in paragraph 1(g) above, when compared with the business' weekly turnover achieved for the same period in 2019.

If the business was not trading during the same period in 2019, or if that 2019 period is not representative of the business' typical weekly turnover, a comparable 7-day period can be used.
2. An applicant is not eligible for a sole trader grant if:
  - (a) the applicant's only source of income is one or more of the following:
    - (i) earnings from rental properties;
    - (ii) interest earned on investments;
    - (iii) dividends;

- (b) the applicant has received a COVID-19 disaster payment (Cwlth) under the *Financial Framework (Supplementary Powers) Regulations 1997* (Cwlth), schedule 1AB, part 4, item 492 in relation to a lock down event or border closure event; or
  - (c) the applicant has received, or is eligible to receive, a COVID-19 business support grants scheme (August 2021) payment under the *Rural and Regional Adjustment Regulation 2011* (Qld), schedule 37.
3. An applicant must satisfy the eligibility criteria at the time the application for the sole trader grant is made.
  4. To remove any doubt, an applicant may only apply for one sole trader grant.

### **Definitions for eligibility criteria**

5. 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.
6. A **border closure event** means the imposition of restrictions under a COVID-19 border restrictions direction.
7. 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 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.

8. A **COVID-19 lock down direction** means:

- (a) the revoked public health direction called 'Restrictions for Locked Down Areas (South-East Queensland) Direction' made on 31 July 2021; or
- (b) the revoked public health direction called 'Restrictions for Locked Down Areas (South-East Queensland) Direction (No. 2)' made on 1 August 2021; or
- (c) the public health direction called 'Restrictions for Locked Down Areas (Cairns and Yarrabah) Direction' made on 8 August 2021; or
- (d) another public health direction, other than a COVID-19 border restrictions direction, that takes effect in August 2021 and restricts the reasons for which people may leave their homes.

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. A **lock down event** means the imposition of restrictions under a COVID-19 lock down direction.

11. A **non-employing sole trader** means a sole trader who does not employ any employees in their business.

12. 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 including paragraph 2 above.

### **Applying for the grant**

13. To access the sole trader grant, an applicant must apply using the application form on the Business Queensland website by 30 November 2021 (application closing date).
14. Applications for the sole trader grant must be made to the Commissioner.
15. An application for the sole trader grant must be made in the way approved by the Commissioner and supported by the information required by the Commissioner.

### **Payment of the grant**

16. A sole trader 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.
17. If the Commissioner is satisfied a sole trader grant is payable on application, the Commissioner must authorise the payment of the grant to the applicant.
18. The sole trader grant must be paid by electronic funds transfer.

### **Notice of decision**

19. 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.
20. 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**

21. 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.
22. An amount to which paragraph 21 applies is a debt payable to the Commissioner and may be recovered in a court of competent jurisdiction.

### **Administration of the grant**

23. The Commissioner may delegate the Commissioner's powers under this administrative direction to an appropriately qualified officer, employee or contractor.
24. By applying for the sole trader 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.
25. 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 sole trader grant in Queensland.