



Queensland

Rural and Regional Adjustment Amendment Regulation (No. 8) 2012

Subordinate Legislation 2012 No. 195

made under the

Rural and Regional Adjustment Act 1994

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Amendment of s 3 (Approval of schemes—Act, s 11)	3
4	Insertion of new sch 22	3
	Schedule 22 Queensland East Coast Commercial Net Fishing Reduction Scheme	
	Part 1 Preliminary	
1	Objective of scheme	3
2	Purpose of assistance	4
3	Definitions for sch 22	4
4	What is a surrender offer	5
	Part 2 General provisions for scheme	
	Division 1 Nature of assistance	
5	Nature of assistance	5
	Division 2 Notice of invitation for surrender offers	
6	Authority may invite surrender offers	5
	Division 3 Eligibility	
7	Eligibility criteria	6
	Division 4 Dealing with surrender offers	
8	Application of div 4	7

Contents

9	State not required to accept offer	7
10	Offer can be accepted only if sufficient funds.	7
11	Order of priority for acceptance of offers	8
12	Rejection of surrender offer	8
Division 5	Other provisions	
13	Conditions of assistance	8
14	Applications	9
15	Deciding applications	9

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 8) 2012*.

2 Regulation amended

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

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

Section 3(1), ‘21’—
omit, insert—
‘22’.

4 Insertion of new sch 22

After schedule 21—
insert—

**‘Schedule 22 Queensland East Coast
Commercial Net Fishing
Reduction Scheme**

section 3(1)

‘Part 1 Preliminary

‘1 Objective of scheme

‘The objective of the scheme is to make the net fishery (east coast no. 1) and net fishery (east coast no. 2) commercial fisheries under the *Fisheries Regulation 2008* more sustainable by the voluntary surrender of ‘N1’ and ‘N2’ licences under a competitive tender.

Note—

See the *Fisheries Regulation 2008*, chapter 9, parts 2 and 3.

‘2 Purpose of assistance

‘The purpose of the scheme is to pay each holder of an ‘N1’ or ‘N2’ licence whose surrender offer is accepted by the authority for the State the amount offered by the holder for the surrender of the licence.

‘3 Definitions for sch 22

‘In this schedule—

approved form means a form approved by the authority.

closing day, for a surrender offer, see section 6(2)(c).

fishery symbol see the *Fisheries Regulation 2008*, schedule 11, part 2.

holder, of a licence, means the person to whom it is issued or transferred other than a temporary transferee of the licence under the *Fisheries Act 1994*, section 65C.

licence means a commercial fishing boat licence under the *Fisheries Regulation 2008*.

‘N1’ licence means a licence, other than a suspended licence, on which—

- (a) the fishery symbol ‘N1’ is written; and
- (b) the fishery symbol ‘N2’ is not written.

‘N2’ licence means a licence, other than a suspended licence, on which the fishery symbol ‘N2’ is written.

offer amount, for a surrender offer, see section 4.

relevant licence means either, but not both, of the following—

- (a) an ‘N1’ licence;
- (b) an ‘N2’ licence.

scheme means the scheme set out in this schedule.

surrender, a relevant licence, means surrender the licence under the *Fisheries Act 1994*, section 72.

surrender offer see section 4.

suspended licence means a licence suspended under the *Fisheries Act 1994*, part 5, division 3, subdivision 6.

‘4 What is a *surrender offer*

A *surrender offer* is an offer in the approved form made by the holder of a relevant licence, in response to an invitation under section 6, to surrender the licence in consideration for a stated amount (the *offer amount*).

‘Part 2 General provisions for scheme

‘Division 1 Nature of assistance

‘5 Nature of assistance

‘The nature of the assistance that may be given under the scheme to the holder of a relevant licence whose offer for the surrender of a relevant licence is accepted by the authority is the payment of the offer amount.

‘Division 2 Notice of invitation for surrender offers

‘6 Authority may invite surrender offers

‘(1) The authority may, from time to time, invite surrender offers from the holders of relevant licences.

[s 4]

- ‘(2) If the authority invites surrender offers for a relevant licence under subsection (1), it must publish on the authority’s website a notice of the invitation stating the following—
- (a) each holder of the relevant licence is invited to make the authority a surrender offer for the surrender of the licence;
 - (b) the day from when a holder of the relevant licence can make a surrender offer;
 - (c) the day (the *closing day*) by which a surrender offer must be received by the authority.
- ‘(3) If the authority publishes a notice of the invitation under subsection (2), it must also give a written copy of the notice to each holder of the relevant licence.
- ‘(4) However, failure to comply with subsection (3) does not invalidate or otherwise affect the validity of the notice of the invitation under subsection (2).
- ‘(5) In this section—

authority’s website means the authority’s website on the internet.

Editor’s note—

The address of the authority’s website is <www.qraa.qld.gov.au>.

‘Division 3 Eligibility

‘7 Eligibility criteria

‘A person is eligible for assistance under the scheme for a surrender offer for a relevant licence, if—

- (a) the authority invites surrender offers for the relevant licence under a notice under section 6(2); and
- (b) the person holds the relevant licence; and
- (c) the person makes the surrender offer for the relevant licence in response to the invitation on or before the closing day for the offer; and

- (d) the person has not already made a surrender offer for the relevant licence in response to the invitation; and
- (e) the authority, for the State, accepts the surrender offer by written notice to the person; and
- (f) the person complies with the conditions of the assistance under section 13; and
- (g) from making the application until surrendering the relevant licence—
 - (i) the person does not transfer the licence; and
 - (ii) each fishery symbol written on the licence remains on the licence.

‘Division 4 Dealing with surrender offers

‘8 Application of div 4

‘This division applies if—

- (a) the authority invites surrender offers for a relevant licence under a notice under section 6(2); and
- (b) the holder of a relevant licence makes a surrender offer in response to the invitation on or before the closing day for the offer; and
- (c) the closing day for the surrender offer has ended.

‘9 State not required to accept offer

- ‘(1) The State is not required to accept a surrender offer for a relevant licence.
- ‘(2) This section is subject to section 11.

‘10 Offer can be accepted only if sufficient funds

‘The authority can accept a surrender offer for the State only if the authority’s assistance funds for surrender offers made in

[s 4]

response to the invitation are sufficient to pay the offer amount.

‘11 Order of priority for acceptance of offers

- ‘(1) This section applies, subject to section 10, if the authority accepts a surrender offer.
- ‘(2) The authority must accept the offer in the order of priority under subsections (3) to (6) as relevant.
- ‘(3) If there are 2 or more surrender offers for relevant licences, the offer for the lowest offer amount must be accepted in priority to another offer.
- ‘(4) Subsections (5) and (6) apply subject to subsection (3).
- ‘(5) If there are 2 or more surrender offers for relevant licences for the same offer amount and the fishery symbol ‘C1’ is written on one licence (the *C1 licence*) but not on another licence (the *non-C1 licence*), the offer for the C1 licence must be accepted in priority to the offer for the non-C1 licence.
- ‘(6) If there are 2 or more surrender offers for relevant licences for the same offer amount and subsection (5) does not apply, a surrender offer that is received by the authority earlier than another surrender offer (a *later offer*) must be accepted in priority to the later offer.

‘12 Rejection of surrender offer

‘If the authority decides to reject a surrender offer made by the holder of a relevant licence, the authority must give the holder written notice of the decision and the reasons for it.

‘Division 5 Other provisions

‘13 Conditions of assistance

- ‘(1) This section applies if the authority accepts a surrender offer for a relevant licence by notice under section 7(e) (the *acceptance notice*).

- ‘(2) The holder of the relevant licence must, within the period stated in the surrender offer, give the authority—
 - (a) the relevant licence; and
 - (b) a notice of the surrender of the licence in the approved form under the *Fisheries Act 1994*.
- ‘(3) If the holder of the relevant licence complies with subsection (2), payment under the scheme must be made under the terms of the surrender offer.

‘14 Applications

- ‘(1) An application for assistance under the scheme must—
 - (a) be in the approved form; and
 - (b) include or be accompanied by a surrender offer; and
 - (c) be given to the authority.
- ‘(2) A surrender offer can not be made to the authority other than under subsection (1).
- ‘(3) If a person holds 2 or more relevant licences for which the person wishes to make a surrender offer, the person must make a separate application and surrender offer for each licence.
- ‘(4) A surrender offer must be received by the authority no later than the closing day for the offer.
- ‘(5) The authority may request that a person who has made a surrender offer provide further relevant information required to consider the offer.
- ‘(6) A person who has made a surrender offer may withdraw the offer before the closing day for the offer by giving the authority a written request for the withdrawal.

‘15 Deciding applications

‘The authority must assess and decide each application by—

[s 4]

- (a) considering the surrender offer included in or accompanying the application; and
 - (b) deciding to accept or reject the offer.’.
-

ENDNOTES

- 1 Made by the Governor in Council on 8 November 2012.
- 2 Notified in the gazette on 9 November 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Agriculture, Fisheries and Forestry.

© State of Queensland 2012
Authorised by the Parliamentary Counsel
and printed by the Government Printer