



Queensland

Rural and Regional Adjustment Amendment Regulation (No. 3) 2015

Subordinate Legislation 2015 No. 148

made under the

Rural and Regional Adjustment Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 3) 2015*.

2 Commencement

Part 3 commences on 1 November 2015 immediately after the *Fisheries and Another Regulation Amendment Regulation (No. 1) 2015* commences.

Part 2 Amendment of Fisheries and Another Regulation Amendment Regulation (No. 1) 2015

3 Regulation amended

This part amends the *Fisheries and Another Regulation Amendment Regulation (No. 1) 2015*.

4 Amendment of s 10 (Insertion of new schs 26 and 27)

- (1) Section 10, inserted schedule 27, section 6(2)(a) and (3)(a), before ‘pocket’—

insert—

set

- (2) Section 10, inserted schedule 27, section 10, ‘accept’—

omit, insert—

approve

Schedule 28 Additional payments to particular holders of commercial fisher licences scheme

section 3(1)

Part 1 Preliminary

1 Purpose of financial assistance

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to provide a fair and reasonable payment, in addition to a payment under the scheme in schedule 27, to particular holders of particular commercial fisher licences—
 - (a) who are eligible for assistance under section 8; and
 - (b) to whom a prohibition about possessing or using a cast net, mesh net, seine net or set pocket net to take fish in the following regulated waters applies—
 - (i) Yeppoon-Keppel Bay-Fitzroy River-Capricorn Coast waters;
 - (ii) St Helens Beach-Cape Hillsborough-North of Mackay Waters;
 - (iii) Trinity Bay-Cairns waters.

Note—

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

Part 2 Definitions

Division 1 Key definitions

2 Who is the relevant holder for the application

The *relevant holder*, for an application, is the person to whom the commercial fisher licence to which the application relates is issued.

3 What is the relevant amount

- (1) The *relevant amount* for an application is the amount worked out by—
 - (a) dividing the applicant's total net use days by the eligible persons' total net use days; and
 - (b) multiplying by 1,500,000.
- (2) For subsection (1)(a), the *applicant's total net use days* is worked out by using the following steps—
 - (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that the applicant used a qualifying net to take fish in the zone under a relevant fishery symbol;
 - (b) step 2—total the number of logged days worked out under step 1 for the respective zones.
- (3) For subsection (1)(a), the *eligible persons' total net use days* is worked out by using the following steps—
 - (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that each eligible person used a

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- qualifying net to take fish in the zone under a relevant fishery symbol;
- (b) step 2—total the number of logged days worked out under step 1 for the respective zones.
- (4) For subsections (2)(a) and (3)(a), a person's use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone by the person.
- (5) In this section—
- eligible person* means a person who is eligible to apply under section 6.
- zone* means any of the regulated waters.

Division 2 Other definitions

4 Other definitions for sch 28

In this schedule—

application means an application under this scheme.

approved form means a form approved by the authority.

commercial fisher licence means a commercial fisher licence under the *Fisheries Regulation 2008*.

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

logged means recorded in a fishery logbook received by the department before 1 April 2015.

qualifying net means a cast net, mesh net, seine net or set pocket net.

regulated waters means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

approved form, to the authority for a payment under this scheme if—

- (a) the applicant meets—
 - (i) requirements set out in schedule 27, section 6(2)(a) to (c); or
 - (ii) the requirements in schedule 27, section 6(3)(a) to (c); and
 - (b) the applicant's total net use days worked out under section 3(2) is at least 60 days; and
 - (c) the applicant's total net use days worked out under section 3(2) represents at least 50% of the applicant's overall net use days.
- (3) The notice must also state—
- (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
 - (b) the day on and from which an application can be made; and
 - (c) that an application must be given to the authority by the end of 2 December 2015; and
 - (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 28.
- (4) In this section—
- applicant's overall net use days*** means the number of logged days during the year 2012, 2013 or 2014 the applicant used a qualifying net to take fish under a relevant fishery symbol in any waters for which the applicant held a licence

[s 7]

under the *Fisheries Regulation 2008* to take the fish.

Division 3 Application can not be made if Fisheries Act 1994 compensation paid

7 Person can not apply under scheme if any compensation paid

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.
- (3) In this section—

regulated waters prohibition means the prohibition about possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

Division 4 Eligibility

8 Eligibility criteria

- (1) A person is eligible for assistance under this scheme if—
 - (a) the person makes an application by the end of 2 December 2015; and
 - (b) the requirements under section 6 applying to the offer included in the application have been met.

- (2) A person is not ineligible for assistance under this scheme only because the person relies on a commercial fisher licence that is suspended.

9 Authority must approve or refuse to approve application and give notice to applicant

- (1) This section applies if—
 - (a) a person makes an application by the end of 2 December 2015; and
 - (b) it is after 2 December 2015.
- (2) The authority, for the State, must consider the application and by written notice to the applicant—
 - (a) approve the application and advise that the applicant will be paid a stated amount; or
 - (b) refuse to approve the application and state the reasons for the refusal.

10 Payment of relevant amount only if sufficient funds

The authority, for the State, may approve an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.

11 Priority of consideration for acceptance of applications according to order received

Applications by relevant holders must be considered for approval in the order they were received by the authority.

[s 7]

12 Applications

- (1) An application for assistance under this scheme must—
 - (a) be in the approved form; and
 - (b) be accompanied by any other documents stated in the approved form; and
 - (c) be given to the authority by the end of 2 December 2015.
- (2) The authority may ask an applicant for further relevant information required to consider the application.
- (3) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

ENDNOTES

- 1 Made by the Governor in Council on 22 October 2015.
- 2 Notified on the Queensland legislation website on 23 October 2015.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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