



Queensland

Rural and Regional Adjustment Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 125

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 1) 2016*.

2 Commencement

This regulation commences on 8 August 2016.

3 Regulation amended

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

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

Section 3(1), ‘and 28’—

omit, insert—

, 28 and 29

5 Insertion of new sch 29

After schedule 28—

insert—

**Schedule 29 Further commercial
fishing licences
surrender scheme**

section 3(1)

Part 1 Preliminary

1 Objective of scheme

(1) The objective of the scheme is to reduce the

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potential for overfishing due to an increase in commercial fishing in waters near particular regulated waters, arising from the prohibition on commercial fishers about the possession or use of a cast net, mesh net, seine net or set pocket net (each a *qualifying net*) in the particular regulated waters.

(2) In this section—

particular regulated waters means the following regulated waters under the *Fisheries Regulation 2008*—

- (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
- (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
- (c) Trinity Bay–Cairns waters.

Note—

See the *Fisheries Regulation 2008*, chapter 2, part 12A.

2 Purpose of financial assistance

The purpose of the scheme is to pay each holder of particular commercial fishing boat licences whose surrender offer is accepted by the authority the prescribed amount for the surrender of the licence.

Part 2 Definitions

Division 1 Key definitions

3 What is a *relevant licence*

- (1) A *relevant licence* is a commercial fishing boat licence that has fishery symbol ‘N1’ or ‘N2’

written on it.

- (2) Subsection (1) applies whether or not—
 - (a) another fishery symbol is written on the licence; or
 - (b) the licence is suspended.

4 Who is the *holder* of a relevant licence

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

5 Who is the *relevant holder* for a surrender offer

The *relevant holder*, for a surrender offer, is the holder of the relevant licence to which the offer relates.

6 What is a *surrender offer*

A *surrender offer* is an offer, included in an application, to surrender a relevant licence.

7 What is the *relevant amount* for a surrender offer

- (1) The *relevant amount*, for a surrender offer, is the total of—
 - (a) the amount stated in the table in section 19 for a commercial fishing boat licence; and
 - (b) for a relevant holder mentioned in section 15(1)(a) or (b)—the total of the amounts stated in the table for the class 1 fishery symbols that—
 - (i) were written on the licence at 5pm on 16 August 2015; and

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- (ii) are written on the licence when the licence is surrendered; and
 - (c) for a relevant holder mentioned in section 15(1)(c)—the total of the amounts stated in the table for the class 1 fishery symbols that are written on the licence when the licence is surrendered; and
 - (d) the total of the amounts stated in the table for the class 2 fishery symbols that—
 - (i) were written on the licence at 5pm on 14 March 2016; and
 - (ii) are written on the licence when the licence is surrendered.
- (2) The *relevant amount* is exclusive of GST.

Division 2 Other definitions

8 Other definitions for sch 29

In this schedule—

application means an application under this scheme.

approved form means a form approved by the authority.

class 1 fishery symbol means fishery symbol ‘N1’ or ‘N2’.

class 2 fishery symbol means fishery symbol ‘N3’, ‘N4’, ‘N10’, ‘N11’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘C1’, ‘L1’, ‘L2’, ‘L3’, ‘L4’, ‘L8’, ‘M1’, ‘P’, ‘RQ’, ‘RQ(1)’, ‘RQ(2)’, ‘RQ(3)’, ‘RQ(4)’, ‘S’, ‘SM’, ‘SM(1)’, ‘SM(2)’, ‘SM(3)’, ‘SM(4)’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’.

commercial fishing boat licence means a commercial fishing boat licence under the

Fisheries Regulation 2008.

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

holder, of a relevant licence, see section 4.

qualifying net see section 1(1).

relevant amount, for a surrender offer, see section 7.

relevant holder, for a surrender offer, see section 5.

relevant licence see section 3.

scheme means the scheme set out in this schedule.

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

surrender offer see section 6.

Part 3 General provisions for scheme

Division 1 Nature of assistance

9 Nature of financial assistance

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

Division 2 Invitations for surrender offers

10 Invitation notice for offers

- (1) The authority must invite surrender offers from the relevant holders by publishing on the authority's website a notice complying with subsections (2) to (4).
- (2) The notice must state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* that has a fishery symbol 'N1' or 'N2' written on it to make an offer under the scheme, in the approved form, for the surrender of the holder's licence.
- (3) The notice must also state the priority of consideration for acceptance of surrender offers as set out in section 15.
- (4) The notice must also state—
 - (a) the day on and from which an application can be made; and
 - (b) that an application must be given to the authority by the end of 19 September 2016; and
 - (c) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 29.

Division 3 Eligibility

11 Eligibility criteria

A person is eligible for assistance under this scheme if—

- (a) the person makes an application by the end of 19 September 2016; and
- (b) the requirements under section 10(2) applying to the surrender offer included in the application have been met; and

- (c) from when the surrender offer is made until it is accepted the person is the relevant holder for the offer; and
- (d) the person complies with the conditions of the assistance imposed under section 16.

Division 4 Dealing with surrender offers

12 Authority must accept or reject offer

- (1) This section applies if—
 - (a) a person makes an application by the end of 19 September 2016; and
 - (b) it is after 19 September 2016.
- (2) The authority, for the State, must by written notice to the applicant—
 - (a) do both of the following—
 - (i) accept the applicant's surrender offer;
 - (ii) state that the applicant will be paid a stated amount as payment for the surrender offer; or
 - (b) state that the State has refused to accept the applicant's surrender offer, and the reasons for the refusal.

13 State not required to accept surrender offer

The State is not required to accept a surrender offer.

14 Surrender offer may be accepted only if sufficient funds

The authority, for the State, may accept a

surrender offer only if the authority's assistance funds for the scheme are sufficient to pay the relevant amount for the offer.

15 Priority of consideration for acceptance of surrender offers

- (1) Surrender offers must be considered for acceptance in the following decreasing order of priority—
 - (a) a surrender offer from a relevant holder who is also a relevant holder under schedule 26;
 - (b) a surrender offer from a relevant holder who meets the following requirements—
 - (i) at 5pm on 16 August 2015 the holder's licence had fishery symbol 'N1' or 'N2' written on it;
 - (ii) under the symbol, during the year 2012, 2013 or 2014, the holder used a qualifying net to take fish in all or part of—
 - (A) the waters between Cape York and Innisfail east of longitude 142°30' east and 10°30' south and longitude 142°30' east and 17°30' south; or
 - (B) the waters between Bowen and Seventeen Seventy east of longitude 142°30' east and 20° south and longitude 142°30' east and 24°30' south;
 - (iii) the use of the qualifying net is recorded in a fishery logbook for the licence received by the department before 1 April 2015;
 - (c) a surrender offer from any other relevant holder.

- (2) Subsection (3) applies if 2 or more surrender offers of the same type are received by the authority.
- (3) The offers must be considered for acceptance—
 - (a) in the date order they were received by the authority; and
 - (b) if more than 1 offer is received on 1 day, the offers must be considered for acceptance in the order of priority of the lowest relevant amount for the surrender offer to the highest relevant amount for the surrender offer.

Division 5 Other provisions

16 Conditions of assistance for surrender offer

- (1) This section applies if the authority, by notice under section 12(2)(a), accepts a surrender offer made by a relevant holder.
- (2) It is a condition of the assistance that—
 - (a) for a relevant holder mentioned in section 15(1)(a) or (b)—each N1 or N2 fishery symbol that was written on the relevant licence at 5pm on 16 August 2015 is written on the licence when it is surrendered; and
 - (b) for a relevant holder mentioned in section 15(1)(c)—each N1 or N2 fishery symbol is written on the licence when it is surrendered; and
 - (c) each class 2 fishery symbol that was written on the relevant licence at 5pm on the day the applicant's officer is made is written on the licence when it is surrendered; and
 - (d) the relevant holder must, on or before the date stated in the surrender offer for the

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surrender of the relevant licence, give the authority—

- (i) the relevant holder's commercial fishing boat licence; and
 - (ii) a notice of surrender of the licence as required under the *Fisheries Act 1994*.
- (3) If the relevant holder complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

17 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 19 September 2016.
- (2) The approved form must include provision for the applicant to make a surrender offer.
- (3) A surrender offer may be made to the authority only under subsection (1).
- (4) The authority may ask an applicant for further relevant information required to consider the application.
- (5) A person who has made an application may withdraw the application before 20 September 2016 by giving the authority a written request for the withdrawal.

18 Deciding applications

The authority must consider, and decide to approve, or refuse to approve, each application including by—

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

Part 4 Table for working out relevant amount

19 Table for s 7(1) for working out relevant amount

This section is for section 7(1).

Commercial fishing boat licence	\$18,000
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Class 1 fishery symbol	\$
N1	48,000
N2	90,000

Class 2 fishery symbol	\$
N3	90,000
N4	96,000
N10	60,000
N11	6,000
K1	60,000
K2	60,000
K3	60,000
K4	60,000
K5	60,000
K6	60,000

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Class 2 fishery symbol	\$
K7	60,000
K8	60,000
C1	50,000
L1	12,000
L2	12,000
L3	12,000
L4	24,000
L8	54,000
M1	30,000
P	30,000
RQ	18,000
RQ(1)	24,000
RQ(2)	30,000
RQ(3)	36,000
RQ(4)	42,000
S	12,000
SM	24,000
SM(1)	24,000
SM(2)	30,000
SM(3)	36,000
SM(4)	42,000
T1	30,000
T2	24,000
T5	24,000

Class 2 fishery symbol	\$
T6	24,000
T7	24,000
T8	24,000
T9	24,000

ENDNOTES

- 1 Made by the Governor in Council on 4 August 2016.
- 2 Notified on the Queensland legislation website on 5 August 2016.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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