



Queensland

Fisheries (Structural Reform Stage 2) and Other Legislation Amendment Regulation 2024

Subordinate Legislation 2024 No. 52

made under the

Fisheries Act 1994

Rural and Regional Adjustment Act 1994

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fisheries (Structural Reform Stage 2) and Other Legislation Amendment Regulation 2024*.

2 Commencement

This regulation commences on 17 May 2024.

Part 2 Amendment of Fisheries Declaration 2019

3 Declaration amended

This part amends the *Fisheries Declaration 2019*.

4 Amendment of s 54 (Regulated waters to which division applies)

- (1) Section 54, dot points for Mission River, Embley River and Hey River and Pine River (north of Weipa)—
omit.
- (2) Section 54, dot points for Chapman River, Chapman River to Moonkan Creek and Moonkan Creek—
omit.
- (3) Section 54, dot points for Bronco's Creek, Norman River (downstream) and Norman River (upstream)—
omit.
- (4) Section 54, dot points for Elizabeth River (Mornington Island) and Sandalwood Place River (Mornington Island)—
omit.

5 Omission of s 63 (Possessing or using set mesh nets to take fin fish other than regulated coral reef fin fish—Port Musgrave and Wenlock River and Wellesley Islands Protected Wildlife Area)

Section 63—

omit.

6 Amendment of s 64 (Exceptions for Wellesley Islands Protected Wildlife Area)

(1) Section 64, heading—

omit, insert—

64 Possessing or using set mesh nets to take fin fish other than regulated coral reef fin fish—Wellesley Islands Protected Wildlife Area

(2) Section 64(1)—

omit, insert—

(1) This section applies in relation to the Wellesley Islands Protected Wildlife Area regulated waters.

(1A) A person must not, other than under this section—

(a) possess a set mesh net for taking a fin fish, other than a regulated coral reef fin fish, for trade or commerce; or

(b) use a set mesh net to take a fin fish, other than a regulated coral reef fin fish, for trade or commerce; or

(c) possess a fish taken in contravention of paragraph (b).

(3) Section 64(2), ‘A person’—

omit, insert—

However, a person

(4) Section 64(3), ‘A person’—

omit, insert—

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Also, a person

- (5) Section 64(1A) to (3)—
renumber as section 64(2) to (4).

7 Amendment of s 65 (Possessing or using particular nets for taking fish—particular regulated waters)

- (1) Section 65(1), after last dot point—
insert—
- northern Gulf waters
 - Pormpuraaw waters
 - Topsy Creek
 - Norman River
 - western Gulf waters
- (2) Section 65(4), ‘the net free north area’—
omit, insert—
a relevant area
- (3) Section 65(4)(a), ‘A1 or’—
omit.
- (4) Section 65(5)—
insert—

relevant area means—

- (a) the net free north area; or
- (b) northern Gulf waters; or
- (c) Pormpuraaw waters; or
- (d) Topsy Creek; or
- (e) Norman River; or
- (f) western Gulf waters.

8 Amendment of ch 2, pt 11, div 1, hdg (Hervey Bay–Tin Can Bay (greater dugong protection area))

Chapter 2, part 11, division 1, heading, ‘area’—

omit, insert—

area A

9 Amendment of ss 66–69

Sections 66 to 69, ‘Hervey Bay–Tin Can Bay (greater dugong protection area)’—

omit, insert—

Hervey Bay–Tin Can Bay (greater dugong protection area A)

10 Amendment of ch 2, pt 11, div 2, hdg (Port Clinton (greater dugong protection area))

Chapter 2, part 11, division 2, heading, ‘area’—

omit, insert—

area A

11 Replacement of s 70 (Possessing or using nets other than cast nets)

Section 70—

omit, insert—

70 Using particular nets

A person must not do any of the following in the Port Clinton (greater dugong protection area A)—

- (a) use a mesh net with a mesh size of more than 45mm;
- (b) fix more than 1 part of a mesh net if all of the net is in nearshore waters;

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- (c) fix any part of a mesh net if part of the net is in offshore waters;
- (d) use a set mesh net;
- (e) use a mesh net that is neither fixed nor hauled.

12 Amendment of ch 2, pt 11, div 3, hdg (Shoalwater Bay (dugong protection area))

Chapter 2, part 11, division 3, heading, ‘area’—
omit, insert—

area A

13 Amendment of s 71 (Possessing or using nets other than cast nets)

Section 71, ‘area’—
omit, insert—

area A

14 Amendment of ch 2, pt 11, div 4, hdg (Upstart Bay (greater dugong protection area))

Chapter 2, part 11, division 4, heading, ‘area’—
omit, insert—

area A

15 Replacement of s 72 (Possessing or using nets other than cast nets)

Section 72—
omit, insert—

72 Using particular nets

A person must not do any of the following in the

Upstart Bay (greater dugong protection area A)—

- (a) use a mesh net with a mesh size of more than 45mm;
- (b) fix more than 1 part of a mesh net if all of the net is in nearshore waters;
- (c) fix any part of a mesh net if part of the net is in offshore waters;
- (d) use a set mesh net;
- (e) use a mesh net that is neither fixed nor hauled.

16 Amendment of ch 2, pt 11, div 5, hdg (Hinchinbrook Island (dugong protection area))

Chapter 2, part 11, division 5, heading, ‘area’—

omit, insert—

area A

17 Replacement of s 76 (Possessing or using nets other than cast nets)

Section 76—

omit, insert—

76 Using particular nets

A person must not do any of the following in the Hinchinbrook Island (dugong protection area A)—

- (a) use a mesh net with a mesh size of more than 45mm;
- (b) fix more than 1 part of a mesh net if all of the net is in nearshore waters;
- (c) fix any part of a mesh net if part of the net is in offshore waters;

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- (d) use a set mesh net;
- (e) use a mesh net that is neither fixed nor hauled.

18 Amendment of s 77 (Regulated waters to which division applies)

Section 77, 'area'—

omit, insert—

area A

19 Replacement of s 78 (Possessing or using nets other than cast nets)

Section 78—

omit, insert—

78 Using particular nets

A person must not do any of the following in the regulated waters—

- (a) use a mesh net with a mesh size of more than 45mm;
- (b) fix more than 1 part of a mesh net if all of the net is in nearshore waters;
- (c) fix any part of a mesh net if part of the net is in offshore waters;
- (d) use a set mesh net;
- (e) use a mesh net that is neither fixed nor hauled.

20 Amendment of s 80 (Regulated waters to which division applies)

Section 80, 'area'—

omit, insert—

area B

21 Replacement of s 81 (Possessing or using nets other than cast nets)

Section 81—

omit, insert—

81 Using particular nets

A person must not do any of the following in the regulated waters—

- (a) use a mesh net with a mesh size of more than 45mm;
- (b) fix more than 1 part of a mesh net if all of the net is in nearshore waters;
- (c) fix any part of a mesh net if part of the net is in offshore waters;
- (d) use a set mesh net;
- (e) use a mesh net that is neither fixed nor hauled.

22 Amendment of sch 1 (Regulated waters)

- (1) Schedule 1, part 2, entries for Hervey Bay–Tin Can Bay (greater dugong protection area), Port Clinton (greater dugong protection area), Shoalwater Bay (dugong protection area), Ince Bay (dugong protection area), Stewart Peninsula–Newry Islands–Ball Bay (dugong protection area), Upstart Bay (greater dugong protection area), Cleveland Bay–Magnetic Island (dugong protection area) and Hinchinbrook Island (dugong protection area), ‘area’—

omit, insert—

area A

- (2) Schedule 1, part 2, entries for Port of Gladstone–Rodds Bay (dugong protection area), Clairview Bluff–Carmilla Creek

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(dugong protection area), Llewellyn Bay (dugong protection area), Ball Bay–Sand Bay (dugong protection area), Repulse Bay (dugong protection area), Edgumbe Bay–Bowen (dugong protection area), Bowling Green Bay (dugong protection area) and Lucinda to Allingham–Halifax Bay (dugong protection area), ‘area’—

omit, insert—

area B

- (3) Schedule 1, part 2, entry for net free north area, ‘142°31’49” east’—

omit, insert—

142°31’49” east, other than tidal waters that are part of a waterway that flows into the Gulf of Carpentaria

- (4) Schedule 1, part 2, entry for Mission River, Embley River and Hey River—

omit.

- (5) Schedule 1, part 2, after entry for Gulf of Carpentaria waters—

insert—

northern Gulf waters	waters shown as regulated waters on FRW-286	section 65
----------------------	---	------------

- (6) Schedule 1, part 2, entry for Port Musgrave and Wenlock River—

omit.

- (7) Schedule 1, part 2, entry for Pine River (north of Weipa), ‘and chapter 2, part 9, division 1’—

omit.

- (8) Schedule 1, part 2, after entry for Kirke River—

insert—

Pormpuraaw waters	waters shown as regulated waters on FRW-287	section 65
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- (9) Schedule 1, part 2, entries for Chapman River, Chapman River to Moonkan Creek and Moonkan Creek—

omit.

- (10) Schedule 1, part 2, after entry for South Mitchell River—

insert—

Topsy Creek	waters shown as regulated waters on FRW-290	section 65
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- (11) Schedule 1, part 2, after entry for Gilbert River—

insert—

Norman River	waters shown as regulated waters on FRW-288	section 65
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- (12) Schedule 1, part 2, entries for Bronco's Creek, Norman River (downstream) and Norman River (upstream)—

omit.

- (13) Schedule 1, part 2, after entry for Wellesley Islands Protected Wildlife Area—

insert—

Western Gulf waters	waters shown as regulated waters on FRW-289	section 65
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- (14) Schedule 1, part 2, entries for Elizabeth River (Mornington Island) and Sandalwood Place River (Mornington Island)—

omit.

-
- ‘K8’ written on the applicant’s primary commercial fishing licence; or
- (ii) from a commercial fishery in the east coast inshore management region 1 under the fishery symbol ‘N11’ written on the applicant’s primary commercial fishing licence; and
- (b) during the period starting on 1 September 2021 and ending on 30 June 2023.
- (2) Schedule 57, section 32, definition *substituted period catch*, from ‘taken’—
- omit, insert—*
- taken—
- (a) either—
- (i) from a commercial fishery in the Great Barrier Reef region under the fishery symbol ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’ written on the applicant’s primary commercial fishing licence; or
- (ii) from a commercial fishery in the east coast inshore management region 1 under the fishery symbol ‘N11’ written on the applicant’s primary commercial fishing licence; and
- (b) during the period starting on 1 July 2022 and ending on 31 August 2022.

27 Amendment of sch 57, s 34 (Nature of assistance)

Schedule 57, section 34(a), after ‘history’—

insert—

under particular fishery symbols

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28 Insertion of new sch 58

After schedule 57—

insert—

Schedule 58 Fisheries structural adjustment scheme—stage 2

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

The objectives of the scheme are—

- (a) to provide assistance to former skippers and crew members who have been, or will be, affected by changes to fisheries in the Great Barrier Reef region, Great Sandy region or Gulf region to replace approximately 4 weeks of income the former skippers and crew members would have been projected to earn if the changes had not been made to the fisheries; and
- (b) to encourage holders of primary commercial fishing licences with the fishery symbol ‘N3’ written on them to surrender their primary commercial fishing licences or the fishery symbol ‘N3’; and
- (c) to provide assistance to holders of particular primary commercial fishing licences to replace income the holder would have been projected to earn from fishing in commercial fisheries in Gulf gillnet-free

areas in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and

- (d) to provide assistance to the holders and lessees of particular primary commercial fishing licences to replace income the holder or lessee would have been projected to earn in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026 from fishing in the part of the aquarium fish fishery that will be affected by the changes to zoning or management related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*; and
- (e) to provide assistance to the holders and lessees of particular primary commercial fishing licences who are not otherwise eligible for assistance to replace income the holder or lessee would have been projected to earn from fishing for hammerhead sharks in east coast fisheries in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

2 Purpose of assistance

The purpose of assistance under the scheme is to support holders or lessees of particular primary commercial fishing licences and their former skippers and crew members who are affected by, or are likely to be affected by—

- (a) the closure of particular fisheries in the Great Barrier Reef region under the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or
- (b) the changes to particular fisheries in the Gulf of Carpentaria made under the *Fisheries (Structural Reform Stage 2) and*

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Other Legislation Amendment Regulation 2024, part 2; or

- (c) the implementation of changes under the *Marine Parks Act 2004* to zoning or management of the Great Sandy region related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

3 Definitions

In this schedule—

applicant means an entity applying for assistance under the scheme.

aquarium fish fishery see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 7A, part 1.

authorised boat, for a primary commercial fishing licence, for part 2, see section 4.

closing day see section 32(3).

commercial fishery means a fishery under the *Fisheries (Commercial Fisheries) Regulation 2019*.

commercial fishing licence, for part 2, see section 4.

east coast fishery means a commercial fishery other than a commercial fishery in the Gulf region.

fish see the *Fisheries Act 1994*, section 5.

fishery symbol has the meaning given by the *Fisheries (General) Regulation 2019*.

fishing data means information given to the chief executive under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 or 6.

former crew member, for part 2, see section 7(2)

or 8(2).

former skipper, for part 2, see section 7(1) or 8(1).

Great Barrier Reef region means east coast inshore management regions 1 to 4 under the *Fisheries (Commercial Fisheries) Regulation 2019*.

Great Sandy region means the area of the Great Sandy Marine Park under the *Marine Parks Act 2004*.

Gulf gillnet-free area see section 14.

Gulf region means the Gulf of Carpentaria waters under the *Fisheries Declaration 2019*, schedule 1, part 2.

hold, in relation to a primary commercial fishing licence, includes holding a suspended primary commercial fishing licence.

holder, of a primary commercial fishing licence, means the person to whom the licence is issued or transferred, other than temporarily transferred, under the *Fisheries Act 1994*.

move, for a fishery symbol written on a primary commercial fishing licence, means move the fishery symbol to another primary commercial fishing licence under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 3, part 4, division 2.

no fish period, for an applicant—

- (a) for part 4, see section 18(2)(b); or
- (b) for part 5, see section 24(2)(b); or
- (c) for part 6, see section 30(2)(b).

primary commercial fishing licence means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

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relevant grid site—

- (a) for part 4, see section 14; or
- (b) for part 5, see section 20.

relevant map, for part 4, see section 14.

relevant period catch, for an applicant—

- (a) for part 4, see section 14; or
- (b) for part 5, see section 20; or
- (c) for part 6, see section 26.

scheme means the scheme set out in this schedule.

scheme document means the document called ‘Fisheries structural adjustment tables—Stage 2’, version 1.0, published on the department’s website.

special circumstances catch, for an applicant—

- (a) for part 4, see section 15; or
- (b) for part 5, see section 21; or
- (c) for part 6, see section 27.

substituted period catch, for an applicant—

- (a) for part 5, see section 20; or
- (b) for part 6, see section 26.

surrender—

- (a) for a fishery symbol written on a primary commercial fishing licence—means request the chief executive to amend the licence to remove the fishery symbol; or
- (b) for a primary commercial fishing licence—means surrender under the *Fisheries Act 1994*.

Part 2 Former skippers and crew members

4 Definitions for part

In this part—

authorised boat, for a primary commercial fishing licence, see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 11.

commercial fishing licence means a commercial fishing licence issued under the *Fisheries Act 1994*.

former crew member see section 7(2) or 8(2).

former skipper see section 7(1) or 8(1).

5 Nature of assistance

The nature of the assistance that may be given to a former skipper or crew member under this part of the scheme is a payment to replace approximately 4 weeks of income that the former skipper or crew member would have been expected to earn if—

- (a) the primary commercial fishing licence under which they fished had not been surrendered by the holder of the primary commercial fishing licence; or
- (b) the fishery symbol ‘N3’ that was written on the primary commercial fishing licence under which they fished had not been surrendered by the holder of the primary commercial fishing licence; or
- (c) the fishery in which they fished had not been affected by—

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- (i) the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or
- (ii) the *Fisheries (Structural Reform Stage 2) and Other Legislation Amendment Regulation 2024*, part 2; or
- (iii) the implementation of changes under the *Marine Parks Act 2004* to zoning or management of the Great Sandy region related to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

6 Amount of assistance

The amount of assistance that may be given to an applicant under this part of the scheme is—

- (a) if the applicant is a former skipper—\$10,000; or
- (b) if the applicant is a former crew member—\$8,000.

7 Eligibility criteria—Gulf region

- (1) An applicant (a *former skipper*) is eligible for assistance under this part of the scheme if—
 - (a) on the same 20 days between 1 February 2024 and 17 May 2024 (both days inclusive)—
 - (i) the former skipper was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and
 - (ii) the primary commercial fishing licence had the fishery symbol ‘N3’ written on it; and

-
- (iii) the former skipper held a commercial fisher licence; and
 - (b) the holder of the primary commercial fishing licence surrendered, under part 3—
 - (i) the primary commercial fishing licence; or
 - (ii) the fishery symbol ‘N3’ that was written on the licence; and
 - (c) the former skipper is unemployed on at least 1 day after 17 May 2024; and
 - (d) the former skipper can demonstrate the matters mentioned in paragraphs (a)(i) and (iii) and (c) to the satisfaction of the authority.
- (2) An applicant (a *former crew member*) is eligible for assistance under this part of the scheme if—
- (a) on the same 20 days between 1 February 2024 and 17 May 2024 (both days inclusive)—
 - (i) the former crew member was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and
 - (ii) the primary commercial fishing licence had the fishery symbol ‘N3’ written on it; and
 - (b) the holder of the primary commercial fishing licence surrendered, under part 3—
 - (i) the primary commercial fishing licence; or
 - (ii) the fishery symbol ‘N3’ that was written on the licence; and
 - (c) the former crew member is unemployed on at least 1 day after 17 May 2024; and

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- (d) the former crew member can demonstrate the matters mentioned in paragraphs (a)(i) and (c) to the satisfaction of the authority.
- (3) An applicant is ineligible for assistance under this part if—
 - (a) the applicant—
 - (i) is the holder of a primary commercial fishing licence; and
 - (ii) is eligible for assistance under another part of this scheme or the scheme set out in schedule 57; or
 - (b) the applicant has already received a payment under this part.
- (4) Also, an applicant is ineligible for assistance under subsection (2) if the applicant is eligible for assistance under subsection (1).

8 Eligibility criteria—Great Barrier Reef and Great Sandy regions

- (1) An applicant (a *former skipper*) is eligible for assistance under this part of the scheme if—
 - (a) on the same 20 days between 5 June 2023 and 31 December 2023 (both days inclusive)—
 - (i) the former skipper was employed to fish at sea on an authorised boat for a primary commercial fishing licence; and
 - (ii) the former skipper held a commercial fisher licence; and
 - (b) the holder of the primary commercial fishing licence on which the authorised boat is identified is eligible for any of the following assistance—

- (i) assistance under part 4, division 1 or 2 of the scheme set out in schedule 57;
 - (ii) assistance under part 5 or 6 of this scheme; and
 - (c) the former skipper was unemployed on at least 1 day after 31 December 2023; and
 - (d) the former skipper can demonstrate the matters mentioned in paragraphs (a)(i) and (ii) and (c) to the satisfaction of the authority.
- (2) An applicant (a **former crew member**) is eligible for assistance under this part of the scheme if—
- (a) the former crew member was employed on 20 days between 5 June 2023 and 31 December 2023 (both days inclusive) to fish at sea on an authorised boat for a primary commercial fishing licence; and
 - (b) the holder of the primary commercial fishing licence on which the authorised boat is identified is eligible for any of the following assistance—
 - (i) assistance under part 4, division 1 or 2 of the scheme set out in schedule 57;
 - (ii) assistance under part 5 or 6 of this scheme; and
 - (c) the former crew member is unemployed on at least 1 day after 31 December 2023; and
 - (d) the former crew member can demonstrate the matters mentioned in paragraphs (a) and (c) to the satisfaction of the authority.
- (3) An applicant is ineligible for assistance under this part if—
- (a) the applicant—

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- (i) is the holder of a primary commercial fishing licence; and
 - (ii) is eligible for assistance under another part of this scheme or the scheme set out in schedule 57; or
- (b) the applicant has already received assistance under this part.
- (4) Also, an applicant is ineligible for assistance under subsection (2) if the applicant is eligible for assistance under subsection (1).

9 Conditions of assistance

- (1) The payment to a former skipper or crew member under this part of the scheme is subject to the following conditions—
- (a) the applicant must, before receiving the assistance, give the authority the boat mark for the authorised boat on which the applicant was employed to fish;
 - (b) if the applicant is a former skipper—the applicant must give consent for the chief executive to give the authority a copy of part of the authorities register to the extent it is relevant to the application.
- (2) In this section—

authorities register means the register kept by the chief executive of authorities issued by the chief executive under the *Fisheries Act 1994*.

boat mark, for an authorised boat, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 25.

Part 3 Surrender of primary commercial fishing licence and N3 fishery symbol—Gulf region

10 Nature of assistance

The nature of the assistance under this part of the scheme is a payment to holders of particular primary commercial fishing licences who decide to surrender the licence or the fishery symbol ‘N3’ written on the licence.

11 Amount of assistance

The amount of assistance that may be given to an applicant who is eligible for assistance under this part of the scheme is—

- (a) for an applicant who surrenders a primary commercial fishing licence—\$20,000; or
- (b) for an applicant who surrenders the fishery symbol ‘N3’—\$100,000.

12 Eligibility criteria

For an applicant to be eligible to receive assistance under this part of the scheme, the applicant must—

- (a) surrender—
 - (i) a primary commercial fishing licence; or
 - (ii) the fishery symbol ‘N3’; and
- (b) demonstrate to the satisfaction of the authority that the primary commercial

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fishing licence or fishery symbol has been surrendered.

13 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

- (a) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application;
- (b) the applicant must give consent to the authority to give notice to the chief executive of the assistance given to the applicant under this part of the scheme.

Part 4 N3 and N11 licences—Gulf region

14 Definitions for part

In this part—

Gulf gillnet-free area means the following regulated waters under the *Fisheries Declaration 2019*, schedule 1, part 2—

- (a) northern Gulf waters;
- (b) Pormpuraaw waters;
- (c) Topsy Creek;
- (d) Norman River;
- (e) western Gulf waters.

no fish period, for an applicant, see section 18(2)(b).

relevant grid site means an area of a commercial fishery shown on a relevant map as a Fisheries Queensland 6 minute grid site where catch will be affected, on 17 May 2024, when the area becomes part of a Gulf gillnet-free area.

relevant map means a map in part 2.2–2.6 of the scheme document.

relevant period catch, for an applicant, means the amount worked out by—

- (a) multiplying the total weight (expressed in kilograms) of fish taken, under the fishery symbol ‘N3’ or ‘N11’ written on the applicant’s primary commercial fishing licence, in each relevant grid site during the period starting on 1 July 2019 and ending on 30 June 2023 by the percentage stated in the relevant map for the relevant grid site; and
- (b) adding the result for each relevant grid site mentioned in paragraph (a).

special circumstances catch, for an applicant, see section 15.

15 Meaning of ***special circumstances catch***

The ***special circumstances catch***, for an applicant, is worked out using the following formula—

$$\left(\frac{\mathbf{R}}{\mathbf{M}}\right) \times \mathbf{N} = \mathbf{C}$$

where—

C means the applicant’s special circumstances catch (expressed in kilograms).

M means the number of months in the period starting on 1 July 2019 and ending on 30 June

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2023 in which fish were taken on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

16 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

- (a) the fish taken, under particular fishery symbols written on the applicant's primary commercial fishing licence, from a relevant grid site between 1 July 2019 and 30 June 2023; and
- (b) the projected price of fish in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

17 Amount of assistance

- (1) The amount of assistance that may be given to an applicant under this part of the scheme is—
 - (a) if the amount worked out under subsection (2) or (3) is 1,000 or less—\$1,000; or
 - (b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—\$5,000; or
 - (c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—\$10,000; or
 - (d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount

worked out under the formula expressed in dollars.

- (2) For subsection (1), if the applicant is eligible for assistance under section 18(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{R}{4}\right) \times M = A$$

where—

A means the amount.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

- (3) For subsection (1), if the applicant is eligible for assistance under section 18(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{R + C}{4}\right) \times M = A$$

where—

A means the amount.

C means the applicant's special circumstances catch.

M means the price multiplier for the fish.

R means the applicant's relevant period catch.

- (4) In this section—

price multiplier, for a fish, means the number stated in part 3 of the scheme document opposite the fish.

18 Eligibility criteria

- (1) An applicant is eligible for assistance under this part of the scheme if—
 - (a) the applicant held a primary commercial fishing licence on which the fishery symbol ‘N3’ or ‘N11’ was written for all or part of the period starting on 1 July 2019 and ending on 30 June 2023; and
 - (b) at least 1kg of fish was taken—
 - (i) under the primary commercial fishing licence when the fishery symbol ‘N3’ or ‘N11’ was written on the licence; and
 - (ii) from a relevant grid site; and
 - (iii) during the period starting on 1 July 2019 and ending on 30 June 2023; and
 - (c) the taking of the fish was recorded as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and
 - (d) the applicant holds a primary commercial fishing licence on which the fishery symbol ‘N3’ is written.
- (2) Also, an applicant is eligible for assistance under this part of the scheme if—
 - (a) the applicant is eligible for assistance under subsection (1); and
 - (b) the applicant’s fishing data shows that no fish were taken under the applicant’s primary commercial fishing licence in at least 6 consecutive months (the ***no fish period***) during the period starting on 1 July 2019 and ending on 30 June 2023; and

-
- (c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and
 - (d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

- (3) For subsection (2)(c), special circumstances include—
 - (a) illness of the applicant or 1 or more of the applicant's dependants; and
 - (b) natural disaster; and
 - (c) another circumstance that prevented fish being taken under the applicant's primary commercial fishing licence during the no fish period.
- (4) However, special circumstances do not include—
 - (a) refitting a boat; or
 - (b) fishing in another fishery; or
 - (c) working in another industry.

19 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

- (a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;
- (b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);
- (c) the applicant must not apply to the chief executive to move a fishery symbol the

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subject of the application before the end of the closing day;

- (d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 5 A1 and A2 licences—Great Sandy region

20 Definitions for part

In this part—

no fish period, for an applicant, see section 24(2)(b).

relevant grid site means an area of a commercial fishery shown on the map in part 1.1 of the scheme document as a Fisheries Queensland 6 minute grid site where catch will be affected, on 21 May 2024, by the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*.

relevant period catch, for an applicant, means the amount worked out by—

- (a) multiplying the total number of fish taken by the applicant under the fishery symbol 'A1' or 'A2' written on the applicant's primary commercial fishing licence in each relevant grid site during the period starting on 1 September 2021 and ending on 30 June 2023 by the percentage stated in the map in part 1.1 of the scheme document for the relevant grid site; and
- (b) adding the result for each relevant grid site mentioned in paragraph (a).

special circumstances catch, for an applicant, see section 21.

substituted period catch, for an applicant, means the amount worked out by—

- (a) multiplying the total number of fish taken by the applicant under the fishery symbol ‘A1’ or ‘A2’ written on the applicant’s primary commercial fishing licence in each relevant grid site during the period starting on 1 July 2022 and ending on 31 August 2022 by the percentage stated in the map in part 1.1 of the scheme document for the relevant grid site; and
- (b) adding the result for each relevant grid site mentioned in paragraph (a).

21 Meaning of *special circumstances catch*

The *special circumstances catch*, for an applicant, is worked out using the following formula—

$$\frac{(R + S)}{M} \times N = C$$

where—

C means the applicant’s special circumstances catch (expressed as a number of fish).

M means the number of months during the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught fish on at least 1 day in the month under the applicant’s primary commercial fishing licence.

N means the number of months in the applicant’s no fish period (expressed as a whole number).

R means the applicant’s relevant period catch.

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S means the applicant's substituted period catch.

22 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

- (a) the applicant's fishing history in the aquarium fish fishery in the Great Sandy region; and
- (b) the projected price of the fish in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026; and
- (c) changes to zoning and management in the Great Sandy region under the *Marine Parks Act 2004* that—
 - (i) relate to the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*; and
 - (ii) affect, or are likely to affect, the applicant.

23 Amount of assistance

- (1) The amount of assistance that may be given to an applicant under this part of the scheme is—
 - (a) if the amount worked out under subsection (2) or (3) is 1,000 or less—\$1,000; or
 - (b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—\$5,000; or
 - (c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—\$10,000; or

-
- (d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.
- (2) For subsection (1), if the applicant is eligible for assistance under section 24(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{R + S}{2}\right) \times 89.62775 = A$$

where—

A means the amount.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

- (3) For subsection (1), if the applicant is eligible for assistance under section 24(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{R + S + C}{2}\right) \times 89.62775 = A$$

where—

A means the amount.

C means the applicant's special circumstances catch.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

24 Eligibility criteria

- (1) An applicant is eligible for assistance under this part of the scheme if—

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- (a) the applicant—
 - (i) held a primary commercial fishing licence on which the fishery symbol ‘A1’ or ‘A2’ was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (ii) took at least 1 fish—
 - (A) under the primary commercial fishing licence when the fishery symbol ‘A1’ or ‘A2’ was written on the licence; and
 - (B) from a relevant grid site; and
 - (C) during the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (iii) recorded the taking of the fish as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; or
- (b) the applicant—
 - (i) leased a primary commercial fishing licence on which 1 or more of the fishery symbols mentioned in paragraph (a)(i) was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (ii) provides evidence of the lease mentioned in subparagraph (i); and
 - (iii) took at least 1 fish—
 - (A) under the primary commercial fishing licence when a fishery symbol mentioned in paragraph (a)(i) was written on the licence; and

-
- (B) from a relevant grid site; and
 - (C) during the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (iv) recorded the taking of the fish as required under the *Fisheries (Commercial Fisheries) Regulation 2019*.
- (2) Also, an applicant is eligible for assistance under this part of the scheme if—
- (a) the applicant is eligible for assistance under subsection (1); and
 - (b) the applicant’s fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the *no fish period*) during the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and
 - (d) the applicant provides evidence of the special circumstance.

Example—

medical certificate

- (3) For subsection (2)(c), special circumstances include—
- (a) illness of the applicant or 1 or more of the applicant’s dependants; and
 - (b) natural disaster; and
 - (c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.
- (4) However, special circumstances do not include—

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- (a) refitting a boat; or
- (b) fishing in another fishery; or
- (c) working in another industry.

25 Conditions of assistance

The payment to an applicant for assistance under this part of the scheme is subject to the following conditions—

- (a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;
- (b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);
- (c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the closing day;
- (d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 6 Hammerhead sharks—east coast fisheries

26 Definitions for part

In this part—

no fish period, for an applicant, see section 30(2)(b).

relevant period catch, for an applicant, means the

total weight (expressed in kilograms) of hammerhead shark taken under the applicant's primary commercial fishing licence in the period starting on 1 September 2021 and ending on 30 June 2023.

special circumstances catch, for an applicant, see section 27.

substituted period catch, for an applicant, means the total weight (expressed in kilograms) of hammerhead shark taken under the applicant's primary commercial fishing licence in the period starting on 1 July 2022 and ending on 31 August 2022.

27 Meaning of *special circumstances catch*

The *special circumstances catch*, for an applicant, is worked out using the following formula—

$$\frac{(R + S)}{M} \times N = C$$

where—

C means the applicant's special circumstances catch (expressed in kilograms).

M means the number of months in the period starting on 1 September 2021 and ending on 30 June 2023 in which the applicant caught a hammerhead shark on at least 1 day in the month under the applicant's primary commercial fishing licence.

N means the number of months in the applicant's no fish period (expressed as a whole number).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

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28 Nature of assistance

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment of an amount worked out based on—

- (a) the applicant's fishing history in east coast fisheries for hammerhead sharks; and
- (b) the projected price of hammerhead sharks in the financial years starting on 1 July 2024, 1 July 2025 and 1 July 2026.

29 Amount of assistance

- (1) The amount of assistance that may be given to an applicant under this part of the scheme is—
 - (a) if the amount worked out under subsection (2) or (3) is 1,000 or less—\$1,000; or
 - (b) if the amount worked out under subsection (2) or (3) is between 1,000 and 4,999 (both inclusive)—\$5,000; or
 - (c) if the amount worked out under subsection (2) or (3) is between 5,000 and 10,000 (both inclusive)—\$10,000; or
 - (d) if the amount worked out under subsection (2) or (3) is more than 10,000—the amount worked out under the formula expressed in dollars.
- (2) For subsection (1), if the applicant is eligible for assistance under section 30(1), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{R + S}{2}\right) \times 17.82400588 = A$$

where—

A means the amount.

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

- (3) For subsection (1), if the applicant is eligible for assistance under section 30(2), the amount is the amount worked out, to 2 decimal places, using the following formula—

$$\left(\frac{\mathbf{R} + \mathbf{S} + \mathbf{C}}{2}\right) \times 17.82400588 = \mathbf{A}$$

where—

A means the amount.

C means the applicant's special circumstances catch (expressed in kilograms).

R means the applicant's relevant period catch.

S means the applicant's substituted period catch.

30 Eligibility criteria

- (1) An applicant is eligible for assistance under this part of the scheme if—
- (a) the applicant—
- (i) held a primary commercial fishing licence on which 1 or more of the following fishery symbols was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023—
- (A) 'N1', 'N2', 'N4', 'N10';
- (B) 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8';
- (C) 'L1', 'L2', 'L3', 'L4', 'L8' or 'S';
and
- (ii) has taken at least 1kg of hammerhead shark—

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- (A) from an east coast fishery under the primary commercial fishing licence when a symbol mentioned in subparagraph (i) was written on the licence; and
- (B) during the period starting on 1 September 2021 and ending on 30 June 2023; and
- (iii) recorded the taking of the hammerhead shark as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and
- (iv) is not eligible for assistance under—
 - (A) this scheme, other than under this part; or
 - (B) part 4 of the scheme set out in schedule 57; or
- (b) the applicant—
 - (i) leased a primary commercial fishing licence on which 1 or more of the fishery symbols mentioned in paragraph (a)(i) was written for all or part of the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (ii) provides evidence of the lease mentioned in subparagraph (i); and
 - (iii) has taken at least 1kg of hammerhead shark—
 - (A) from an east coast fishery under a fishery symbol mentioned in paragraph (a)(i) written on the primary commercial fishing licence; and

-
- (B) during the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (iv) recorded the taking of the hammerhead shark as required under the *Fisheries (Commercial Fisheries) Regulation 2019*; and
 - (v) is not eligible for assistance under—
 - (A) this scheme, other than under this part; or
 - (B) part 4 of the scheme set out in schedule 57.
- (2) Also, an applicant is eligible for assistance under this part of the scheme if—
- (a) the applicant is eligible for assistance under subsection (1)(a); and
 - (b) the applicant’s fishing data shows that the applicant did not catch any fish in at least 6 consecutive months (the *no fish period*) during the period starting on 1 September 2021 and ending on 30 June 2023; and
 - (c) the authority is satisfied that a special circumstance applied to the applicant during the no fish period; and
 - (d) the applicant provides evidence of the special circumstance.
- Example—*
- medical certificate
- (3) For subsection (2)(c), special circumstances include—
- (a) illness of the applicant or 1 or more of the applicant’s dependants; and
 - (b) natural disaster; and

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- (c) another circumstance that prevented the applicant from fishing during part of the period starting on 1 September 2021 and ending on 30 June 2023.
- (4) However, special circumstances do not include—
 - (a) refitting a boat; or
 - (b) fishing in another fishery; or
 - (c) working in another industry.

31 Conditions of assistance

The payment of assistance to an applicant under this part of the scheme is subject to the following conditions—

- (a) before receiving the assistance, the applicant must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;
- (b) the applicant must comply with the terms of the agreement mentioned in paragraph (a);
- (c) the applicant must not apply to the chief executive to move a fishery symbol the subject of the application before the end of the closing day;
- (d) the applicant must give consent for the chief executive to give the authority a copy of the applicant's fishing data to the extent the fishing data is relevant to the application.

Part 7 General

32 Operation of scheme

- (1) The scheme opens on the day stated on the authority's website as the day on or after which an

application for assistance under the scheme may be made.

- (2) For assistance under parts 2 to 6, a part of the scheme closes on the earlier of the following days—
 - (a) the day on which the authority's assistance funds for the part become insufficient to pay further assistance under the part;
 - (b) the closing day.
- (3) For subsection (2)(b), the *closing day* is—
 - (a) 30 June 2024; or
 - (b) the day stated in an extension notice made under section 33.

33 Extension of closing day

- (1) The Minister may, by notice published on the authority's website (an *extension notice*), extend the closing day to a stated day that is not more than 6 months after the commencement.
- (2) However, the Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.
- (3) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is made.

34 Requirements for applications

- (1) An application for assistance under the scheme must—
 - (a) be made on the approved form; and
 - (b) be accompanied by the documents stated on the application form; and

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- (c) be given to the authority while the scheme is open under section 32.
- (2) An application may be made by an applicant—
 - (a) if more than 1 person is a holder or lessee of the primary commercial fishing licence—with the consent of each other holder or lessee of the primary commercial fishing licence; or
 - (b) if a public company is the holder or lessee of the primary commercial fishing licence—with the consent of a director of the public company.
- (3) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

35 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under a part of the scheme.
- (2) However, the authority does not need to consider an application that does not comply with section 34(1).
- (3) The authority must decide applications in the order they are received by the authority.
- (4) The authority must refuse to approve an application for assistance under a part of the scheme if the authority's assistance funds for the assistance are not sufficient to pay for the assistance.
- (5) If the authority refuses to approve an application for assistance, the authority must give the applicant written notice of the decision.

ENDNOTES

- 1 Made by the Governor in Council on 16 May 2024.
- 2 Notified on the Queensland legislation website on 17 May 2024.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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