

Rural and Regional Adjustment and Other Legislation (Brisbane River Tourism Berthing Assistance Scheme and Other Matters) Amendment Regulation 2022

Explanatory Notes for SL 2022 No. 137

made under the

Biosecurity Act 2014

Rural and Regional Adjustment Act 1994

General Outline

Short title

Rural and Regional Adjustment and Other Legislation (Brisbane River Tourism Berthing Assistance Scheme and Other Matters) Amendment Regulation 2022

Authorising law

Section 251 of the *Biosecurity Act 2014*.

Sections 11 and 44 of the *Rural and Regional Adjustment Act 1994* (the RRA Act).

Policy objectives and the reasons for them

Brisbane River Tourism Berthing Assistance Scheme

In April 2022, the Queensland Government committed up to \$1.1 million to support riverine tourism businesses who must relocate their vessels from their current berths to alternative berths of the Brisbane river.

The support will be delivered through the Brisbane River Tourism Berthing Assistance Scheme (the Scheme). The Scheme will support eligible displaced riverine tourism businesses through the provision of a rebate to assist with the costs of berthing their vessels at a different berths in a privately operated marina in the eligible area. Separately, the Scheme will also support minor infrastructure works that would expand or improve an existing commercial wharf structure to accommodate a displaced riverine tourism business. The support for the second stream will be a co-contribution payment to fund the minor infrastructure work.

The intent of the subordinate legislation is to establish the Scheme as an approved assistance scheme under the RRA Act. This will enable the Queensland Rural and Industry Development Authority (QRIDA) to administer the Scheme.

Amendment to the *Biosecurity Regulation 2016*

Under section 251 of the *Biosecurity Act 2014* (Biosecurity Act), a regulation under the Act may provide that each police officer of a class described in the regulation is an inspector under this Act. Section 125 of the *Biosecurity Regulation 2016* (Biosecurity Regulation) prescribes the police officers in what is now known as the 'Rural and Stock Crime Squad' as inspectors under the Biosecurity Act. The Rural and Stock Crime Squad was formerly known as the 'Major and Organised Crime Squad (Rural)'.

The second objective of the amendment regulation is to replace the reference in section 125 of the Biosecurity Regulation to the 'Major and Organised Crime Squad (Rural)', to the 'Rural and Stock Crime Squad'.

Achievement of policy objectives

Brisbane River Tourism Berthing Assistance Scheme

The subordinate legislation will achieve the policy objective by establishing the Scheme as an approved assistance scheme as a new schedule 45 of the *Rural and Regional Adjustment Regulation 2011*.

The Scheme will have two streams of assistance. The first stream will support riverine tourism businesses who have been displaced from their berths in a privately operated commercial marina in the eligible area (within 10 kilometres of the Brisbane General Post Office) to another berth in a privately operated marina in the eligible area. The rebate will assist with either reimbursing the costs of the applicants of berthing fees already paid, or through directing paying privately operated commercial marinas on behalf of the eligible applicants.

The amount of assistance available under the Scheme will be for an amount of up to half the total eligible berthing expenses, to a maximum amount of:

- \$37,500 per financial year (excluding GST) for each eligible boat up to 25 metres in length; or
- \$70,000 per financial year (excluding GST) for each eligible boat over 25 metres in length.

The second stream of assistance under the Scheme will be a capital co-contribution payment of up to \$50,000 (excluding GST) per applicant. However, for the infrastructure stream of assistance, it will also include any GST payable by QRIDA in respect of the assistance per applicant. This is necessary as the funding agreement entered into between QRIDA for the applicant to deliver the berthing infrastructure is considered a taxable supply under the relevant taxation laws and GST obligations attach.

The co-contribution payment is to assist with the costs of minor infrastructure works or capital costs (i.e. development approvals, permits etc) that would expand or improve an existing commercial wharf structure to accommodate a displaced riverine tourism business.

To be eligible for assistance under the Scheme, applicants must demonstrate they meet the eligibility criteria for the Scheme, including that the applicant:

- Is a business whose primary activity is providing tourism services in the eligible area and who ordinarily requires a berth located in the eligible area when the boat is not in use; and
- will be or who has been displaced from their current berth in the eligible area between on or after 1 July 2022; and
- employs at least one person.

Applications for funding under the berthing stream will open from notification of the Scheme and close on 30 June 2024, or earlier if funding for the Scheme is exhausted earlier. Applications for the infrastructure stream will close on 30 June 2023, or earlier if funding is exhausted, but may be extended if funding is available to 30 June 2024.

Amendment to the *Biosecurity Regulation 2016*

The amendment regulation achieves its second objective by amending section 125 of the Biosecurity Regulation to replace reference to the 'Major and Organised Crime Squad (Rural)' with the 'Rural and Stock Crime Squad'.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the RRA Act, which establishes QRIDA to 'administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland'.

The subordinate legislation is also consistent with the objectives of the Biosecurity Act.

Inconsistency with policy objectives of other legislation

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

Alternative ways of achieving policy objectives

An alternative way to achieve the policy objective would be to have an entity other than QRIDA provide the assistance. However, QRIDA was established to provide assistance and support to the state's economy and has significant experience and expertise in administering grant funding. Given QRIDA's expertise, QRIDA is the most appropriate entity to administer the grants scheme.

There is no alternative way to achieve the second policy objective other than through an amendment to the Biosecurity Regulation.

Benefits and costs of implementation

QRIDA has extensive experience in administering grant, loan, rebate and payment schemes for government and is well placed to administer the Scheme.

The Queensland Government has committed up to \$1.1 million to support riverine tourism businesses who have been displaced from their berth in the eligible area, which will be delivered through the Scheme.

Consistency with fundamental legislative principles

The subordinate legislation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Department of Tourism, Innovation and Sport (DTIS) has consulted heavily across Government and non-government agencies, marina operators and commercial river tourism operators in developing a temporary support package for operators while plans for a more permanent commercial marina are progressed.

The temporary assistance package is supported by the Brisbane River tourism operators.

The Department of Agriculture and Fisheries (DAF) consulted the Office of Best Practice Regulation (OBPR) in Queensland Treasury on whether the amendments to the *Rural and Regional Adjustment Regulation 2011* are excluded from further analysis under the *Queensland Government Guide to Better Regulation* (the Guide). The OBPR assessed that the amendment is excluded from further analysis under category (k) – regulatory proposals designed to reduce the burden of regulation, or that clearly do not add to the burden, and it is reasonably clear there are no significant adverse impacts.

DAF self-assessed the amendment to the Biosecurity Regulation against the Guide. DAF assessed that the amendment is excluded from further analysis under category (g) – Regulatory proposals that are of a machinery nature.