

Rural and Regional Adjustment (Variation of Fisheries Structural Adjustment Scheme) Amendment Regulation 2024

Explanatory Notes for SL 2024 No. 13

made under the

Rural and Regional Adjustment Act 1994

General Outline

Short title

Rural and Regional Adjustment (Variation of Fisheries Structural Adjustment Scheme) Amendment Regulation 2024

Authorising law

Sections 3, 10 and 44 of the *Rural and Regional Adjustment Act 1994*

Policy objectives and the reasons for them

On 28 November 2022, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Union for the Conservation of Nature (IUCN) released a report on the reactive monitoring mission to the Great Barrier Reef (GBR). The report recommended the GBR be listed as ‘in Danger’ on the World Heritage List. The report included 18 recommendations. A priority recommendation was to “phase out destructive gill net fishing through appropriate mechanisms, including purchasing, and/or retiring all remaining industrial gill-net licences; retiring of other gill-net fisheries and the establishment of net-free sub-zones in areas of high conservation value for protected species”.

On 5 June 2023, the Honourable Tanya Plibersek MP, Commonwealth Minister for the Environment and Water; Senator Nita Green, Special Envoy for the GBR and Senator for Queensland; the Honourable Mark Furner MP, Queensland Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities; and the Honourable Leanne Linard MP, Queensland Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs, released a joint media release announcing that over \$160 million will be delivered to significantly reduce net fishing and other high risk fishing activities impacting the GBR. This includes ensuring the GBR is gillnet free by mid-2027.

The *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023* (2023 Regulation) established the Fisheries Structural Adjustment Scheme (the Scheme) under the *Rural and Regional Adjustment Regulation 2011*. The 2023 Regulation enabled the Queensland Rural and Industry Development Authority (QRIDA) to provide financial

assistance to the holders of eligible fishing authorities (licences, fishery symbols and eligible individual transferable quota units).

In recognition of the significant impact of the reforms and ongoing consultation with the industry, it is essential to extend the closing dates for the Scheme to ensure eligible applicants have sufficient time to apply.

The policy objective of the *Rural and Regional Adjustment (Variation of Fisheries Structural Adjustment Scheme) Amendment Regulation 2024* (the Amendment Regulation) is to amend Schedule 57 of the *Rural and Regional Adjustment Regulation 2011* to:

- allow QRIDA to continue to administer the scheme as follows:
 - o Primary commercial fishing licences and fishery symbols
 - Part 2, Division 1 - N1, N2, N4 and S licences – close 30 June 2024
 - Part 2, Division 2 - K1, K2, K3, K4, K5, K6, K7, K8 and N10 licences - close 30 June 2024
 - Part 2, Division 3 - Surrender of primary commercial fishing licences and fishery symbols
 - Round 1 - close 30 April 2024
 - Round 2 – open 17 May 2024 and close 30 June 2024
 - o Payments for quota units
 - Part 3, Division 1 - Barramundi, grey mackerel and king threadfin – close 30 June 2024
 - Part 3, Division 2 - Grey mackerel, school mackerel and whiting (management region 5) - close 30 June 2024
 - o Payments for loss of income
 - Part 4, Division 1- Great Barrier Reef region - close 30 June 2024
 - Part 4, Division 2 - Great Sandy region - close 30 June 2024
 - o Grant for advice related to scheme
 - Part 5 - Grant for advice related to scheme - close 30 June 2024
- extend the eligibility criteria under Part 4 - Payments for loss of income to include part-time lease holders where appropriate.
- correct minor technical inconsistencies.

Achievement of policy objectives

The policy objective will be achieved by amending the Scheme prescribed in Schedule 7, *Rural and Regional Adjustment Regulation 2011* under the *Rural and Regional Adjustment Act 1994* (the Act).

This enables QRIDA to continue to administer the Scheme, as QRIDA can only provide financial assistance under an approved assistance scheme prescribed by regulation under the Act.

The amendment regulation extends the dates associated with the Scheme to ensure eligible applicant can apply for assistance under this Scheme, prior to closure.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Act. The Act establishes QRIDA primarily to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland.

QRIDA may also support Queensland's economy by administering approved assistance schemes to assist primary, producers, small business, and other sectors including the community during periods of temporary difficulty, or to otherwise benefit the Queensland economy.

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

There are no alternative pathways for achieving the policy objective. The proposed amendments can only be achieved by subordinate legislation.

Benefits and costs of implementation

The Queensland Government has allocated around \$90 million to the financial assistance scheme which is designed to help eligible authority holders mitigate some of the loss of value in their fishing authorities, as well as some of their loss of income. Eligible authority holders can apply for:

- from \$5,000 to \$150,000 per fishery symbol, for the value of eligible fishery symbols,
- from \$17 to \$25 per unit, for the value of eligible quota units,
- payments representing three years probable lost income, to eligible licence holders, and
- \$3,000 to eligible licence holders for financial and legal advice

Costs of administration of the Scheme are covered within the funding made available by Government. No additional costs will be incurred as a result of these regulatory amendments.

Consistency with fundamental legislative principles

The Amendment Regulation has been developed with regard to fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992* (LS Act).

Section 4(3)(g) of the LS Act provides that legislation should not adversely affect rights and liberties, or impose obligations, retrospectively. Consideration has been given to this FLP when preparing this proposal.

Consultation

The regulatory amendments make minor changes to an already existing scheme of financial assistance and, therefore, extensive consultation with industry did not occur. In March 2024, DAF engaged with industry representatives, which support the extension of the scheme.

Regulatory Impact Analysis:

As part of the development of the 2023 Regulation, a Summary Impact Analysis Statement (IAS) was approved by the Director-General, DAF and the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities. The IAS noted an exemption from Regulatory Impact Statement (now IAS) was approved for amendments to fisheries regulations to give effect to GBR related commitments to UNESCO regarding the phasing out of gillnet fishing.

A Summary Impact Analysis Statement (IAS) has been prepared for the Amendment Regulation and approved by the Director-General, DAF and the Minister for Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities. The IAS notes the proposed changes are minor in nature and does not increase costs on business or the community.