



Queensland

# Rural and Regional Adjustment (Fisheries Structural Adjustment Scheme—Stage 3 and Other Matters) Amendment Regulation 2024

## Subordinate Legislation 2024 No. 67

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 (Fisheries Structural Adjustment Scheme—Stage 3 and Other Matters) Amendment Regulation 2024*.

**2 Commencement**

This regulation commences on 31 May 2024.

**3 Regulation amended**

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

**4 Amendment of sch 33, s 1 (Objective of scheme)**

Schedule 33, section 1, ‘30 June 2024’—

*omit, insert—*

30 June 2027

**5 Insertion of new sch 59**

After schedule 58—

*insert—*

**Schedule 59 Fisheries structural adjustment scheme—stage 3**

section 3(1)

**Part 1**

**Preliminary**

## **1 Objectives of scheme**

The objectives of the scheme are—

- (a) to provide assistance to former holders and lessees of particular primary commercial fishing licences—
  - (i) to surrender usable nets; and
  - (ii) to remove equipment relating to the use of relevant mesh nets from their boats; and
- (b) to provide assistance to owners of eligible businesses to assist them to diversify their businesses and adjust to the structural reforms.

## **2 Purposes of assistance**

The purposes of assistance under the scheme are—

- (a) to pay former holders and lessees of primary commercial fishing licences on which particular fishery symbols were written approximately 50% of the cost of usable nets surrendered by the former holders or lessees; and
- (b) to pay former holders and lessees of primary commercial fishing licences for the removal of equipment related to the use of relevant mesh nets from their boats; and
- (c) to pay owners of eligible businesses to diversify their businesses if the business relied on fish taken—
  - (i) under primary commercial fishing licences on which particular fishery symbols were written; or
  - (ii) from particular parts of the Great Sandy region.

### 3 Definitions

In this schedule—

*accredited marine surveyor*, for part 3, see section 10.

*applicant* means an entity applying for financial assistance under the scheme.

*certificate of survey*, for part 3, see section 10.

*closing day* see section 22(3).

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

*diversification plan*, for an eligible business, for part 4, see section 17.

*eligible business* see section 16.

*eligible refitting work*, for a boat, for part 3, see section 11.

*eligible survey work*, for part 3, see section 10.

*eligible symbol*, for part 2, see section 5.

*eligible work*, for part 3, see section 10.

*extension notice* see section 24(1).

*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.

*Great Sandy region* see section 16.

*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*.

**interested person**, for an eligible business, for part 4, see section 16.

**management region** means an inshore management region under the *Fisheries (Commercial Fisheries) Regulation 2019*.

**owner**, of a business, see section 16.

**primary boat**, for a primary commercial fishing licence, for part 3, see section 10.

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

**relevant mesh net** see section 4.

**relevant period**—

- (a) for part 2, see section 5; or
- (b) for part 3, see section 10.

**scheme** means the scheme set out in this schedule.

**surrender**, in relation to a usable net, means surrender to the authority.

**tender boat**, for a primary commercial fishing licence, for part 3, see section 10.

**usable net** see section 5.

#### **4 Meaning of *relevant mesh net***

- (1) A **relevant mesh net** is a mesh net that—
  - (a) has floats attached to the rope at the top of the net; and
  - (b) has a bottom rope; and
  - (c) has a mesh size of between 50mm and 215mm; and
  - (d) could lawfully have been used under a primary commercial fishing licence on

which the fishery symbol ‘N1’, ‘N2’ or ‘N4’ was written.

- (2) Also, a ***relevant mesh net*** is a mesh net that—
- (a) has floats attached to the rope at the top of the net; and
  - (b) has a bottom rope; and
  - (c) has a mesh size of between 160mm and 215mm; and
  - (d) may be used under a primary commercial fishing licence on which the fishery symbol ‘N3’ is written.

## Part 2                      **Payment for surrender of particular fishing nets**

### 5      **Definitions for part**

In this part—

***eligible symbol*** means the fishery symbol ‘N1’, ‘N2’ or ‘N4’.

***relevant period*** means the period—

- (a) starting on 1 September 2021; and
- (b) ending on 30 June 2023.

***usable net*** means a relevant mesh net that is in fair or repairable condition.

### 6      **Nature of assistance**

The nature of the assistance that may be given to an applicant under this part of the scheme is a payment based on the length of usable net surrendered by the applicant.

## **7 Amount of assistance**

- (1) The amount of assistance that may be given to an applicant under this part of the scheme is the amount worked out using the following formula—

$$L \times 12.5 = A$$

where—

*A* means the amount.

*L* means the lesser of the following—

- (a) the length of usable net (expressed in metres) surrendered by the applicant; or
  - (b) the length of usable net the applicant intended to surrender and declared in accordance with section 8(1)(c) or (2)(b).
- (2) However, the maximum amount of assistance that may be given to an applicant who is eligible for assistance under section 8(1) is—
- (a) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol ‘N1’, but no other eligible symbol, was written—\$15,000; or
  - (b) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol ‘N2’, or the fishery symbols ‘N1’ and ‘N2’, but no other eligible symbol, was written—\$45,000; or
  - (c) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbol ‘N4’, or the fishery symbols ‘N1’ and ‘N4’, but no other eligible symbol, was written—\$60,000; or



- (d) for an applicant who, during the relevant period, held or leased a primary commercial fishing licence on which the fishery symbols ‘N2’ and ‘N4’, or the fishery symbols ‘N1’, ‘N2’ and ‘N4’, were written—\$100,000.

*Examples—*

- 1 Fisher A held a primary commercial fishing licence on which the fishery symbol ‘N1’ was written during the relevant period. Fisher A surrenders 1 kilometre of usable net. The amount of assistance Fisher A is eligible for under the scheme is \$12,500 (1,000 x 12.5).
  - 2 Fisher B held a primary commercial fishing licence on which the fishery symbols ‘N1’ and ‘N4’ were written during the relevant period. Fisher B surrenders 4.5 kilometres of usable net. The amount of assistance Fisher B is eligible for under the scheme is \$56,250 (4,500 x 12.5).
- (3) Also, the maximum amount of assistance that may be given to an applicant who is eligible for assistance under section 8(2) is \$30,000.

## **8 Eligibility criteria**

- (1) An applicant is eligible for assistance under this part of the scheme if—
- (a) the applicant held or leased a primary commercial fishing licence on which an eligible symbol was written for at least 1 day during the relevant period; and
  - (b) the applicant took at least 1kg of fish—
    - (i) in accordance with an eligible symbol written on the applicant’s primary commercial fishing licence; and
    - (ii) from a commercial fishery in any of management regions 1 to 5; and
    - (iii) during the relevant period; and

- (c) the applicant declares that they intend to surrender a stated length of usable net; and
  - (d) the stated length is at least 1m.
- (2) Also, an applicant is eligible for assistance under this part of the scheme if—
  - (a) the applicant surrendered, on or after 8 December 2023—
    - (i) a primary commercial fishing licence on which the fishery symbol ‘N3’ was written; or
    - (ii) the fishery symbol ‘N3’; and
  - (b) the applicant declares that they intend to surrender a stated length of usable net; and
  - (c) the stated length is at least 1m.
- (3) An applicant is ineligible for assistance under this part of the scheme if—
  - (a) the applicant has already received assistance under this part of the scheme; or
  - (b) the applicant holds or leases a primary commercial fishing licence on which 1 or more of the following fishery symbols is written—
    - (i) ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’;
    - (ii) ‘NX’, ‘N3’, ‘N10’, ‘N15’.

## 9 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 has surrendered 1 or more relevant mesh nets that the authority considers are usable nets.

## Part 3 Grant for removal of equipment related to use of relevant mesh nets

### 10 Definitions for part

In this part—

*accredited marine surveyor* means a person who is accredited under the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (Cwlth), section 24.

*certificate of survey* see the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 6.

*eligible refitting work*, for a boat, see section 11.

*eligible survey work* means work, performed by an accredited marine surveyor, associated with surveying a boat for a certificate of survey.

*eligible work* means eligible survey work or eligible refitting work.

*primary boat*, for a primary commercial fishing licence, means the boat identified in the primary commercial fishing licence.

*relevant period* means the period—

- (a) starting on 1 September 2021; and  
(b) ending on 30 June 2023.

*tender boat*, for a primary commercial fishing licence, means a boat, other than a primary boat, authorised for use under the primary commercial

fishing licence.

## **11 Meaning of *eligible refitting work***

*Eligible refitting work*, for a boat, is work—

- (a) to remove from the boat equipment used to deploy, retrieve, lift or stow relevant mesh nets; or
- (b) to repair work directly related to work mentioned in paragraph (a); or
- (c) to change the boat to meet the standards for a certificate of survey, if the changes are directly related to work mentioned in paragraph (a).

## **12 Nature of assistance**

The nature of the assistance that may be given to an applicant under this part of the scheme is a grant to cover the costs of—

- (a) removing equipment related to the use of relevant mesh nets from boats that were used as primary boats or tender boats for particular primary commercial fishing licences; and
- (b) marine surveying associated with work mentioned in paragraph (a).

## **13 Amount of assistance**

- (1) The amount of assistance that may be given to an applicant under this part of the scheme is the cost, up to the maximum amount of assistance mentioned in subsection (2), of—
  - (a) if the primary boat for a primary commercial fishing licence is owned by the

- 
- applicant—eligible work performed on the primary boat; or
- (b) if a tender boat for the primary commercial fishing licence is owned by the applicant—eligible work performed on the tender boat.
- (2) The maximum amount of assistance that may be given to an applicant, in relation to a primary commercial fishing licence, is—
- (a) for an applicant who is eligible for assistance under section 14(1)—
- (i) if the applicant held or leased, during the relevant period, a primary commercial fishing licence on which the fishery symbol ‘N1’ or ‘N2’, but not the fishery symbol ‘N4’, was written—\$50,000; or
- (ii) if the applicant was, during the relevant period, the holder or lessee of a primary commercial fishing licence on which the fishery symbol ‘N4’ was written—\$100,000; or
- (b) for an applicant who is eligible for assistance under section 14(2)—\$50,000.

## 14 Eligibility criteria

- (1) An applicant is eligible for assistance under this part of the scheme if—
- (a) the applicant held or leased a primary commercial fishing licence on which the fishery symbol ‘N1’, ‘N2’ or ‘N4’ was written during the relevant period; and
- (b) the applicant took at least 1kg of fish—
- (i) from a commercial fishery in any of management regions 1 to 5; and

- (ii) in accordance with the fishery symbol ‘N1’, ‘N2’ or ‘N4’ written on the licence; and
    - (iii) during the relevant period; and
  - (c) the applicant owns the primary boat or a tender boat for the primary commercial fishing licence; and
  - (d) the applicant gives the authority at least 2 quotes for eligible work, and no other work, for the boat mentioned in paragraph (c) from—
    - (i) an accredited marine surveyor; or
    - (ii) a person who is qualified to undertake marine outfitting or repair.
- (2) Also, an applicant is eligible for assistance under this part of the scheme if—
  - (a) the applicant surrendered, on or after 8 December 2023—
    - (i) a primary commercial fishing licence on which the fishery symbol ‘N3’ was written; or
    - (ii) the fishery symbol ‘N3’; and
  - (b) the applicant owns the primary boat or a tender boat for the primary commercial fishing licence; and
  - (c) the applicant gives the authority at least 2 quotes for eligible work, and no other work, for the boat mentioned in paragraph (b), from—
    - (i) an accredited marine surveyor; or
    - (ii) a person who is qualified to undertake marine outfitting or repair.
- (3) An applicant is ineligible for assistance under this part of the scheme if—

- (a) the applicant has already received the maximum amount of assistance available under this part of the scheme; or
- (b) the applicant holds or leases a primary commercial fishing licence on which 1 or more of the following fishery symbols are written—
  - (i) ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’;
  - (ii) ‘NX’, ‘N3’, ‘N10’, ‘N15’.

## **15 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 it is relevant to the application;
- (b) before receiving assistance under this part of the scheme, the applicant must give the authority a tax invoice for the eligible work mentioned in section 14(1)(d) or (2)(c) from a person mentioned in the paragraph;
- (c) if the assistance includes an amount for eligible survey work—before receiving the assistance, the applicant must give the authority a copy of the certificate of survey to which the eligible survey works relate;
- (d) if the amount stated in a tax invoice for eligible work is more than the amount stated in the quote for the eligible work, the tax invoice must state, or be accompanied by, an explanation of the difference between the amounts.

## Part 4 Business diversification grant

### 16 Definitions for part

In this part—

*diversification plan*, for an eligible business, see section 17.

*eligible business* means a business—

- (a) for which an entity holds an Australian Business Number; and
- (b) either—
  - (i) that is carried on in Queensland; or
  - (ii) that has its headquarters located in Queensland.

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

*interested person*, for an eligible business, means—

- (a) if the owner of the business is a sole trader—the sole trader; or
- (b) if the owner of the business is a partnership, proprietary company or trust—a partner in the partnership, a director of the company or the trustee of the trust.

*owner*, of a business, means the sole trader, partnership, proprietary company or trust that carries on the business.

### 17 Meaning of *diversification plan*

- (1) A *diversification plan*, for an eligible business, is a plan that includes—



- 
- (a) details of the actions the applicant is taking, or may take, to diversify the eligible business; and
  - (b) details of how the actions mentioned in paragraph (a) are likely to increase any of the following—
    - (i) the profit of the eligible business;
    - (ii) the number of people employed by the eligible business;
    - (iii) the resilience of the eligible business;
    - (iv) the business skills of an interested person for the eligible business; and
  - (c) an estimate of the projected income of the eligible business until the diversification plan is implemented; and
  - (d) an explanation of, and evidence to support, the estimate mentioned in paragraph (c); and
- Example of evidence to support the estimate mentioned in paragraph (c)—*
- a statement from a qualified financial adviser
- (e) a statement that the applicant will contribute at least 50% of the money to implement the plan.
- (2) A diversification plan must not include a proposal to use the assistance, or the money contributed by the applicant to implement the plan, to pay for operational expenses.

*Examples of operational expenses—*

insurance premiums, rates, rent, utility expenses, wages

## **18 Nature of assistance**

The nature of the assistance that may be given to an applicant for an eligible business is a grant to assist the owner of the eligible business to diversify the business.

## 19 Amount of assistance

The amount of assistance that may be given to an applicant for an eligible business under this part of the scheme is a grant for lesser of the following amounts—

- (a) 50% of the cost of implementing the diversification plan for the eligible business;
- (b) \$100,000.

## 20 Eligibility criteria

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

- (a) the applicant is the owner of the eligible business; and
- (b) the applicant declares that at least 75% of the income of the eligible business has been, or is projected to be, lost because the eligible business relied on fish taken—
  - (i) under the fishery symbol ‘N1’, ‘N2’ or ‘N4’; or
  - (ii) from a relevant Great Sandy fishery that was, or will be, affected by the commencement of—
    - (A) the *Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023*, part 2; or
    - (B) the *Marine Parks (Great Sandy) Zoning Plan 2024*; and
- (c) the applicant demonstrates, to the satisfaction of the authority, that the declaration in paragraph (b) is correct, including the provision of evidence supporting the declaration; and

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*Example of evidence to support the declaration in paragraph (b)—*

a statement from a qualified financial adviser

- (d) the applicant gives the authority a diversification plan for the eligible business that complies with section 17; and
  - (e) the authority is satisfied the diversification plan for the eligible business—
    - (i) is practically feasible; and
    - (ii) is reasonably likely to return value for money for the eligible business; and
    - (iii) is reasonably likely to improve 1 or more of the following—
      - (A) the profit of the eligible business;
      - (B) the number of people employed by the eligible business;
      - (C) the resilience of the eligible business;
      - (D) the business skills of an interested person for the eligible business; and
  - (f) the applicant declares they will contribute at least 50% of the money to implement the diversification plan for the eligible business; and
  - (g) the authority is satisfied the applicant will contribute 50% of the money to implement the diversification plan.
- (2) An applicant is ineligible for assistance for an eligible business under this part of the scheme if—
- (a) the applicant has already received the maximum amount of assistance under this part; or

- (b) the diversification plan for the eligible business includes a proposal to use the assistance, or the money contributed by the applicant to implement the plan, to pay for operational expenses.
- (3) In this section—
- relevant Great Sandy fishery* means a commercial fishery in the Great Sandy region for which 1 of the following fishery symbols is or was the fishery symbol for the fishery—
- (a) ‘A1’, ‘A2’, ‘C1’, ‘C2’;
  - (b) ‘K8’, ‘L1’, ‘L2’, ‘L3’;
  - (c) ‘N1’, ‘N2’, ‘N10’, ‘N11’;
  - (d) ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’.

## 21 Conditions of assistance

- (1) The payment of assistance to an applicant for an eligible business 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 give the authority an acquittal statement for the assistance by the date stated in the agreement;
  - (d) if the applicant contributes less than 50% of the money to implement the diversification plan, the applicant must repay all or part of the assistance to the authority.
- (2) The authority may decide the amount to be repaid under subsection (1)(d).

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## Part 5 Applications

### 22 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 4, the scheme closes on the earlier of the following days—
  - (a) the day on which the authority's assistance funds become insufficient to pay further assistance under the scheme;
  - (b) the closing day.
- (3) For subsection (2)(b), the *closing day* is the later of the following days—
  - (a) 30 January 2025;
  - (b) the day stated in an extension notice made under section 24.

### 23 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
  - (c) be given to the authority while the scheme is open under section 22.
- (2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

## **24 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 no later than 1 August 2025.
- (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.

## **25 Deciding applications**

- (1) The authority must consider, and decide to approve or refuse to approve, each application under the scheme.
- (2) However, the authority does not need to consider an application that does not comply with section 23.
- (3) The authority must decide applications in the order they are received by the authority.
- (4) The authority must refuse to approve an application under a part of the scheme if the authority's assistance funds for the assistance applied for are not sufficient to pay for the assistance.
- (5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.
- (6) The authority may, with the agreement of the applicant, approve an amount of assistance that is less than the amount applied for.

### ENDNOTES

- 1 Made by the Governor in Council on 30 May 2024.
- 2 Notified on the Queensland legislation website on 31 May 2024.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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