



Queensland

# Rural and Regional Adjustment Amendment Regulation (No. 6) 2013

## Subordinate Legislation 2013 No. 194

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. 6) 2013*.

**2 Regulation amended**

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

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

Section 3(1), ‘25’—

*omit, insert—*

26

**4 Amendment of sch 22 (Queensland East Coast Commercial Net Fishing Reduction Scheme)**

(1) Schedule 22, heading, after ‘Scheme’—

*insert—*

**(No. 1)**

(2) Schedule 22, section 13(1), ‘(the *acceptance notice*)’—

*omit.*

**5 Insertion of new sch 26**

After schedule 25—

*insert—*

## **Schedule 26      Queensland East Coast Commercial Net Fishing Reduction Scheme (No. 2)**

section 3(1)

### **Part 1              Preliminary**

#### **1      Objective of scheme**

The objective of the scheme is to make the net fishery (east coast no. 1) commercial net fishery under the *Fisheries Regulation 2008* more sustainable by the voluntary removal of relevant fishery symbols from particular licences and surrender of relevant licences.

*Note—*

See the *Fisheries Regulation 2008*, chapter 9, part 2.

#### **2      Purpose of assistance**

The purpose of the scheme is to pay each holder of a relevant fishery symbol or licence whose surrender offer is accepted by the authority the prescribed amount for the removal of the fishery symbol or surrender of the licence.

#### **3      Definitions for sch 26**

In this schedule—

***approved form*** means a form approved by the authority.

***closing day***, for a surrender offer, see section 18(3).

***fishery symbol***—

- (a) generally—see the *Fisheries Regulation 2008*, schedule 11, part 2; or
- (b) if specifically referred to by description—see section 4.

***holder***—

- (a) of a relevant licence—see section 5(1); or
- (b) of a relevant fishery symbol—see section 5(2).

***invitation notice*** see section 9(1).

***licence*** means a commercial fishing boat licence under the *Fisheries Regulation 2008*.

***prescribed amount*** means—

- (a) for removal of a relevant fishery symbol from a licence—the prescribed amount for removal of the fishery symbol under section 8(1); or
- (b) for surrender of a relevant licence—the prescribed amount for surrender of the licence under section 8(2).

***relevant fishery symbol*** means a ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N1’, ‘N2’, ‘N4’ or ‘N10’ fishery symbol.

***relevant licence*** means a licence on which the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N4’ or ‘N10’ is written.

***removal***, of a relevant fishery symbol, means an amendment of the licence on which the fishery symbol is written, under the *Fisheries Act 1994*, section 63(4)(d) and (5), by which the fishery symbol is removed from the licence.

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

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

*surrender offer*—

- (a) for a relevant fishery symbol—see section 6(1); or
- (b) for a relevant licence—see section 6(2).

#### **4 References to a fishery symbol by description**

A reference in this schedule to a particular fishery symbol by description is a reference to the fishery symbol of that description under the *Fisheries Regulation 2008*.

#### **5 Who is the *holder* of a licence or fishery symbol**

- (1) The *holder*, of a licence, is the person to whom it is issued or transferred, other than by a temporary transfer under the *Fisheries Act 1994*, section 65C.
- (2) The *holder*, of a fishery symbol, is the person who, under subsection (1), is the holder of the licence on which the fishery symbol is written.

#### **6 What is a *surrender offer***

- (1) A *surrender offer*, for a relevant fishery symbol, is a request in the approved form made by the holder of the symbol for its removal from the licence on which it is written in consideration for the prescribed amount.
- (2) A *surrender offer*, for a relevant licence, is a request in the approved form made by the holder of the licence to surrender the licence in consideration for the prescribed amount.

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## **Part 2                    General provisions for scheme**

### **Division 1                Nature of assistance**

#### **7     Nature of assistance**

The nature of the assistance that may be given under this scheme to the holder of a relevant fishery symbol or licence whose offer for the removal of the fishery symbol or surrender of the licence is accepted by the authority is the payment to the holder of the prescribed amount.

#### **8     Prescribed amount**

- (1) The prescribed amount for the removal of a relevant fishery symbol is as follows—
  - (a) for a 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' fishery symbol—\$40000;
  - (b) for an 'N1' fishery symbol—\$30000;
  - (c) for an 'N2' fishery symbol—\$60000;
  - (d) for an 'N4' fishery symbol—\$50000;
  - (e) for an 'N10' fishery symbol—\$40000.
- (2) The prescribed amount for the surrender of a relevant licence is \$10000.

### **Division 2                Notice of invitation for surrender offers**

#### **9     Authority must invite surrender offers**

- (1) The authority must invite surrender offers from holders of relevant fishery symbols and licences by publishing on the authority's website a notice

[s 5]

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of the invitation (an *invitation notice*) stating the following—

- (a) each holder of a relevant fishery symbol or licence is invited to make a surrender offer for the fishery symbol or licence;
  - (b) the day from when a surrender offer can be made;
  - (c) the closing day for the surrender offer.
- (2) The authority must give a written copy of the invitation notice to each holder of a relevant fishery symbol or licence.
  - (3) However, failure to comply with subsection (2) does not invalidate or otherwise affect the validity of the invitation notice.
  - (4) In this section—

*authority's website* means the authority's website on the internet.

*Editor's note—*

The address of the authority's website is <www.qraa.qld.gov.au>.

## **Division 3      Eligibility**

### **10 Eligibility criteria**

- (1) A person is eligible for assistance under this scheme if—
  - (a) the person holds a relevant fishery symbol or licence; and
  - (b) the person makes a surrender offer for the relevant fishery symbol or licence in response to the invitation notice on or before the closing day; and



- (c) the authority accepts the surrender offer by written notice to the person; and
  - (d) the person complies with the conditions of the assistance under section 17; and
  - (e) for a surrender offer for a relevant fishery symbol, from making the offer until the removal of the fishery symbol—
    - (i) the person does not transfer the licence on which the fishery symbol is written; and
    - (ii) the fishery symbol remains on the licence; and
  - (f) for a surrender offer for a relevant licence, from making the offer until the surrender of the licence—
    - (i) the person does not transfer the licence; and
    - (ii) each fishery symbol written on the licence remains on the licence.
- (2) Subsection (1)(f)(ii) does not apply to a relevant fishery symbol for which a surrender offer has been accepted under subsection 1(c).

## **Division 4      Dealing with surrender offers**

### **11 Application of div 4**

This division applies if—

- (a) the holder of a relevant fishery symbol or licence makes a surrender offer for the fishery symbol or licence in response to the invitation notice on or before the closing day; and

- (b) the closing day for the surrender offer has ended.

## **12 State not required to accept offer**

Subject to section 15, the State is not required to accept a surrender offer.

## **13 Offer can be accepted only if sufficient funds**

The authority, for the State, can accept a surrender offer for removal of a relevant fishery symbol or surrender of a relevant licence only if the authority's assistance funds for surrender offers made in response to the invitation notice are sufficient to pay the prescribed amount.

## **14 Acceptance of surrender offers for relevant licence and relevant symbol on same licence**

- (1) This section applies if the authority receives a surrender offer for a relevant licence and a surrender offer for a relevant fishery symbol on the relevant licence.
- (2) The authority may accept the surrender offer for the relevant licence only if the authority accepts the surrender offer for the relevant fishery symbol.

## **15 Order of priority for acceptance of offers**

- (1) This section applies, subject to sections 13 and 14.
- (2) If the authority accepts a surrender offer, the authority must accept the offer in the order of priority under subsections (3) to (5).
- (3) Subject to subsection (4), a surrender offer for an 'N2' fishery symbol must be accepted in priority to another surrender offer.

- (4) If the authority receives 2 or more surrender offers for 'N2' fishery symbols, a surrender offer received by the authority earlier than another surrender offer (a *later 'N2' offer*) must be accepted in priority to the later 'N2' offer.
- (5) Subject to subsections (3) and (4), a surrender offer received by the authority earlier than another surrender offer (a *later offer*) must be accepted in priority to the later offer.

## **16 Rejection of offer**

If the authority decides to reject a surrender offer made by the holder of a relevant fishery symbol or licence, the authority must give the holder written notice of the decision and the reasons for it.

## **Division 5 Other provisions**

### **17 Conditions of assistance for surrender offer**

- (1) This section applies if the authority accepts a surrender offer for a relevant fishery symbol or licence by notice under section 10(c).
- (2) The holder of the relevant fishery symbol or licence must, within the period stated in the surrender offer, give the authority—
  - (a) for the removal of the relevant fishery symbol—the licence on which the fishery symbol is written; and
  - (b) for the surrender of the relevant licence—
    - (i) the relevant licence; and
    - (ii) a notice of the surrender of the licence in the approved form under the *Fisheries Act 1994*.

- (3) If the holder of the relevant fishery symbol or licence complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

## **18 Applications**

- (1) An application for assistance under this scheme must be—
  - (a) in the approved form; and
  - (b) accompanied by a surrender offer and the other documents stated in the approved form; and
  - (c) given to the authority.
- (2) A surrender offer can not be made to the authority other than under subsection (1).
- (3) A surrender offer must be received by the authority no later than 29 November 2013 (the *closing day*).
- (4) The authority may request that a person who has made a surrender offer provide further relevant information required to consider the offer.
- (5) A person who has made a surrender offer may withdraw the offer before the closing day by giving the authority a written request for the withdrawal.

## **19 Deciding applications**

The authority must consider and decide each application by—

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

ENDNOTES

- 1 Made by the Governor in Council on 3 October 2013.
- 2 Notified on the Queensland legislation website on 4 October 2013.
- 3 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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