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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 6) 2014*.

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), ‘7’—

omit, insert—

8

4 Insertion of new sch 8

After schedule 7—

insert—

Schedule 8 **Queensland East
Coast Commercial
Net Fishing
Reduction Scheme
(No. 3)**

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

[s 4]

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 relevant amount for the surrender offer.

Part 2 Interpretation

Division 1 General

3 Definitions for sch 8

In this schedule—

approved form means a form approved by the authority.

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>.

closing day—

- (a) for a stage 1 offer, see section 14(c); or
- (b) for a stage 2 offer, see section 15(2)(c); or
- (c) for a stage 3 offer, see section 16(2)(c).

fishery symbol—

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

holder—

- (a) of a licence—see section 12(1); or
- (b) of a fishery symbol—see section 12(2).

invitation notice—

- (a) for stage 1 offers—means the notice mentioned in section 14; or
- (b) for stage 2 offers—means the notice mentioned in section 15(2); or
- (c) for stage 3 offers—means the notice mentioned in section 16(2).

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

prescribed amount, for a relevant fishery symbol, see section 10.

relevant amount, for a surrender offer, see section 9.

relevant fishery symbol means a fishery symbol mentioned in the table in section 27.

relevant holder for a surrender offer, see section 8.

relevant licence means a licence on which the fishery symbol ‘N1’ or ‘N2’ 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.

stage 1 offer see section 5.

stage 2 offer see section 6.

stage 3 offer see section 7.

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

surrender offer see section 4.

Division 2 Key definitions

4 What is a *surrender offer*

Each of the following is a *surrender offer*—

- (a) a stage 1 offer;
- (b) a stage 2 offer;
- (c) a stage 3 offer.

5 What is a *stage 1 offer*

A *stage 1 offer* is a request, in the approved form, made by the holder of an ‘N1’ or ‘N2’ fishery symbol, in response to an invitation notice, to remove the fishery symbol in consideration for the relevant amount.

6 What is a *stage 2 offer*

A *stage 2 offer* is a request, in the approved form, made by the holder of a relevant licence, in response to an invitation notice, to surrender the licence in consideration for the relevant amount.

7 What is a *stage 3 offer*

A *stage 3 offer* is a request, in the approved form, made by the holder of a 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8', 'N4' or 'N10' fishery symbol, in response to an invitation notice, to remove the fishery symbol in consideration for the relevant amount.

8 Who is the *relevant holder* for a surrender offer

The *relevant holder* for a surrender offer is as follows—

- (a) for a stage 1 offer—the holder of an 'N1' or 'N2' fishery symbol;
- (b) for a stage 2 offer—the holder of a relevant licence;
- (c) for a stage 3 offer—the holder of a 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8', 'N4' or 'N10' fishery symbol.

9 What is the *relevant amount* for a surrender offer

The *relevant amount* for a surrender offer is as follows—

- (a) for a stage 1 offer— the prescribed amount for the 'N1' or 'N2' fishery symbol to which the offer relates, exclusive of GST;
- (b) for a stage 2 offer—the amount, exclusive of GST, that is the lesser of the following amounts—
 - (i) \$140,000;
 - (ii) the total of—
 - (A) the prescribed amounts for each relevant fishery symbol written on the licence immediately before it is surrendered; and

(B) \$15,000;

- (c) for a stage 3 offer—the amount, exclusive of GST, that is the total of the prescribed amounts for each relevant fishery symbol to which the offer relates.

10 What is the *prescribed amount* for a fishery symbol

- (1) The *prescribed amount* for a relevant fishery symbol is the amount mentioned opposite the fishery symbol in the table in section 27.
- (2) However, if the fishery symbol appears on a licence more than once, the prescribed amount for the fishery symbol is the amount mentioned in subsection (1) for each occurrence of the fishery symbol on the licence.

Division 3 Other definitions

11 References to a fishery symbol by description

- (1) 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*.
- (2) A reference in this schedule to a particular fishery symbol by description, followed by a number in brackets (the *stated number*), is a reference to the fishery symbol of that description under which the stated number of tender boats is authorised for use under the *Fisheries Regulation 2008*, section 245(2).

12 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.

Part 3 General provisions for scheme

Division 1 Nature of assistance

13 Nature of assistance

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

Division 2 Invitations for surrender offers

14 Invitation notice for stage 1 offers

The authority must invite stage 1 offers from the relevant holders by publishing on the authority's website a notice stating the following—

- (a) each relevant holder is invited to make a stage 1 offer;

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- (b) the day from when stage 1 offers can be made;
- (c) the day (the *closing day*) that is 7 weeks after the day the notice is published by which the authority must receive all stage 1 offers.

15 Invitation notice for stage 2 offers

- (1) This section applies—
 - (a) if any stage 1 offers are received in response to the invitation notice for stage 1 offers—when all the stage 1 offers have been dealt with under division 4; or
 - (b) otherwise—after the closing day for stage 1 offers.
- (2) The authority must invite stage 2 offers from the relevant holders by publishing on the authority's website a notice stating the following—
 - (a) each relevant holder is invited to make a stage 2 offer;
 - (b) the day from when stage 2 offers can be made;
 - (c) the day (the *closing day*) that is 4 weeks after the day the notice is published by which the authority must receive all stage 2 offers.
- (3) Despite subsections (1) and (2), this section applies only if the authority considers the authority's assistance funds for surrender offers are sufficient to pay the relevant amount for each stage 2 offer likely to be made.

16 Invitation notice for stage 3 offers

- (1) This section applies—

- (a) if an invitation notice for stage 2 offers is published under section 15(2); and
- (b) either—
 - (i) if any stage 2 offers are received in response to the invitation notice—when all the stage 2 offers have been dealt with under division 4; or
 - (ii) otherwise—after the closing day for stage 2 offers.
- (2) The authority must invite stage 3 offers from the relevant holders by publishing on the authority’s website a notice stating the following—
 - (a) each relevant holder is invited to make a stage 3 offer;
 - (b) the day from when stage 3 offers can be made;
 - (c) the day (the *closing day*) that is 4 weeks after the day the notice is published by which the authority must receive all stage 3 offers.
- (3) Despite subsections (1) and (2), this section applies only if the authority considers the authority’s assistance funds for surrender offers are sufficient to pay the relevant amount for each stage 3 offer likely to be made.

17 Authority must give relevant holders copy of invitation notice

- (1) As soon as practicable after publishing an invitation notice for stage 1, 2 or 3 offers, the authority must give a written copy of the invitation notice to each of the relevant holders invited to make the offers.

[s 4]

- (2) However, failure to comply with subsection (1) does not invalidate or otherwise affect the validity of an invitation notice.

Division 3 Eligibility

18 Eligibility criteria

A person is eligible for assistance under this scheme if—

- (a) the person, in response to an invitation notice, makes a surrender offer on or before the closing day for the offer; and
- (b) the authority accepts the offer by written notice to the person; and
- (c) from the time the offer is made until it is accepted, the person is the relevant holder for the offer; and
- (d) the person complies with the conditions of the assistance under section 24; and
- (e) for a stage 1 or 3 offer, from making the offer until the removal of each relevant fishery symbol to which the offer relates—
 - (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 stage 2 offer, from making the offer until the surrender of the relevant licence to which the offer relates—
 - (i) the person does not transfer the licence; and
 - (ii) each fishery symbol written on the licence remains on the licence.

Division 4 Dealing with surrender offers

19 Authority must accept or reject surrender offer

- (1) This section applies if—
 - (a) a relevant holder makes a surrender offer in response to an invitation notice on or before the closing day for the offer; and
 - (b) the closing day for the offer has ended.
- (2) The authority, for the State, must accept or reject the surrender offer under this division.

20 State not required to accept surrender offer

Subject to section 22, the State is not required to accept a surrender offer.

21 Surrender offer may be accepted only if sufficient funds

The authority, for the State, may accept a surrender offer only if the authority's assistance funds for surrender offers are sufficient to pay the relevant amount for the offer.

22 Priority for earlier stage 1, 2 or 3 offers

- (1) This section applies subject to section 21.
- (2) A stage 1, 2 or 3 offer received by the authority earlier than another stage 1, 2 or 3 offer (each a *later offer*) must be accepted in priority to the later offer.

23 Rejection of surrender offer

If the authority decides to reject a surrender offer, the authority must give the relevant holder who made the

offer written notice of the decision and the reasons for it.

Division 5 Other provisions

24 Conditions of assistance for surrender offer

- (1) This section applies if the authority, by notice under section 18(b), accepts a surrender offer made by a relevant holder.
- (2) The relevant holder must, within the period stated in the surrender offer, give the authority—
 - (a) for a stage 1 or 3 offer, each licence on which is written each relevant fishery symbol to which the offer relates; and
 - (b) for a stage 2 offer—
 - (i) the relevant licence to which the offer relates; and
 - (ii) a notice of the surrender of the licence in the approved form under the *Fisheries Act 1994*.
- (3) If the relevant holder complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

25 Applications

- (1) An application for assistance under this scheme must—
 - (a) be in the approved form; and
 - (b) include or be accompanied by a surrender offer; and
 - (c) be accompanied by the other documents stated in the approved form; and
 - (d) be given to the authority.

- (2) A surrender offer must not be made to the authority other than under subsection (1).
- (3) A surrender offer must be received by the authority no later than the closing day for the offer.
- (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 on or before the closing day for the offer by giving the authority a written request for the withdrawal.

26 Deciding applications

The authority must consider and decide each application by—

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

Part 4 Relevant fishery symbols and prescribed amounts

27 Prescribed amounts for relevant fishery symbols

The prescribed amount for a relevant fishery symbol mentioned in the following table is the amount stated

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opposite the fishery symbol—

Relevant fishery symbol	Prescribed amount \$
C1	30,000
C2	10,000
K1	50,000
K2	50,000
K3	50,000
K4	50,000
K5	50,000
K6	50,000
K7	50,000
K8	50,000
L1	10,000
L2	10,000
L3	10,000
L4	20,000
L8	45,000
M1	25,000
N1	40,000
N2	75,000
N3	75,000
N4	80,000
N10	50,000
N11	5,000
P	25,000

Relevant fishery symbol	Prescribed amount \$
RQ	15,000
RQ(1)	20,000
RQ(2)	25,000
RQ(3)	30,000
RQ(4)	35,000
S	10,000
SM	20,000
SM(1)	20,000
SM(2)	25,000
SM(3)	30,000
SM(4)	35,000
T1	25,000
T2	20,000
T5	20,000
T6	20,000
T7	20,000
T8	20,000
T9	20,000

Note—

Under section 9, the relevant amount for a surrender offer is exclusive of GST.

ENDNOTES

- 1 Made by the Governor in Council on 21 August 2014.
- 2 Notified on the Queensland legislation website on 22 August 2014.
- 3 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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