



Queensland

Fisheries Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 27

made under the

Fisheries Act 1994

General outline

Short title

Fisheries Amendment Regulation (No. 1) 2013.

Authorising law

Section 223 of the *Fisheries Act 1994*.

Policy objectives and the reasons for them

The objective of the subordinate legislation is to amend the *Fisheries Regulation 2008* (the Regulation) to introduce a new offset assessment fee in regard to the assessment of offsets for development applications.

Achievement of policy objectives

The offset assessment fee is being introduced as a means of recovering costs associated with the assessment of offsets for development applications.

The *Fisheries Act 1994* (the Act) provides a framework for the management, use, development and protection of Queensland's fisheries and aquaculture resources and habitat. This framework relies heavily on the use of a range of authorities, including licences and permits, designed to regulate those matters under the framework, including assessable development applications. Developments that trigger assessment against the Act include development prescribed under the *Sustainable Planning Act 2009* (the Planning Act).

“Offsets” are defined as actions taken to counterbalance unavoidable impacts resulting from development activities. It is the negative impacts from developments that are being offset, such as the loss of fisheries habitat or the negative impacts on the ecosystem resulting from developments. If an application has been assessed as requiring an offset (that is, an application has been assessed as causing a negative environmental impact that cannot be mitigated otherwise), an offset will be imposed on the development application as an “environmental offset condition”.

Environmental offset conditions may be imposed on fisheries development approvals under the Act and the Planning Act subject to cost-effective on-site mitigation measures for the development that avoid or minimise negative impacts of the development on the natural environment. Under the Act, the chief executive may impose conditions to counterbalance environmental offsets in accordance with mitigation measures for any loss of fish habitat.

The offset assessment fee will apply to development applications for: declared fish habitat area; works in a declared fish habitat area; aquaculture; constructing or raising waterway barrier works; and removal, destruction or damage of marine plants.

The assessment of these types of development already incurs a charge under the Act with an assessment fee applying to applications for development activities. The fee is determined by the level of assessment required and based on criteria prescribed under the Regulation.

The offset assessment fee required for each application will correspond with the relevant level of assessment fee. For example, a development application classed as level 3 under the relevant assessment fee process will require payment of the corresponding level 3 offset assessment fee.

The offset assessment fee will apply in addition to the relevant assessment fee for these types of development applications and will be used specifically to assess offset requirements. The process for assessing offsets

is already well established under policy developed by Fisheries Queensland. The offset assessment fee will cover administrative costs associated with determining if an offset is required, and if so, the fee will also cover the costs associated with negotiating and managing the offset. Prior to this amendment, the administrative costs related to offset assessment were borne by Fisheries Queensland.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main policy objectives of the *Fisheries Act 1994*.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The State Government will not incur any additional costs in the implementation of this subordinate legislation.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet and Queensland Treasury and Trade have been consulted and support the introduction of the new fee.

Queensland Treasury and Trade advised that the subordinate legislation is unlikely to impose significant impacts on stakeholders.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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