

Rural and Regional Adjustment Amendment Regulation (No. 3) 2015

Explanatory Notes for SL 2015 No. 148

made under the

Rural and Regional Adjustment Act 1994

General Outline

Short title

Rural and Regional Adjustment Amendment Regulation (No. 3) 2015.

Authorising law

Sections 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994*.

Policy objectives and the reasons for them

The Queensland Government's Sustainable Fishing Policy (the Policy) was an election commitment. Part of the Policy is a commitment to establish three net-free fishing zones in north and central Queensland:

- Trinity Bay - Cairns,
- St Helens Beach – Cape Hillsborough, North of Mackay
- Yeppoon/Keppel Bay/Fitzroy River, Capricorn Coast.

The Policy also committed the Government to set aside \$10 million to fund a buyout of commercial fishing activity in these areas and meet the compensation needed to establish the three net-free fishing zones.

The *Fisheries and Another Regulation Amendment Regulation (No. 1) 2015* provided for the establishment of the net free fishing zones, the buyback of particular fishing boat licences and payments to commercial fishers affected by the establishment of the zones.

The policy objective of this amendment regulation is to provide for further payment to the commercial fishers most affected by the establishment of the zones.

Commercial fisher licence holders take fish under commercial fishing boat licences. Commercial fisher licence holders who are not the holder of a commercial fishing boat licence would not be eligible under the *Fisheries Act 1994* to apply for compensation despite their livelihood being affected by the introduction of the new net free zones.

The intent of the payments is to assist eligible commercial fisher licence holders transition their business in response to the establishment of the net free zones.

Achievement of policy objectives

The amendment regulation will achieve its objectives by amendments to the *Rural and Regional Adjustment Regulation 2011* (the Regulation).

The amendment regulation will achieve its objective of providing assistance to commercial fisher licence holders by inserting (as Schedule 28) the '*Additional payments to particular holders of commercial fisher licences scheme*' in the Regulation as an approved assistance scheme. Applications for a payment will be decided in the order that the applications are received to the limit of the available funding.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objective of the *Rural and Regional Adjustment Act 1994*, which is to establish QRAA primarily to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative to the *Additional payments to particular holders of commercial fisher licences scheme* as there is no compensation available to commercial fisher licence holders other than commercial fishing boat licence holders under the *Fisheries Act 1994*. The scheme is consistent with stakeholder's expectations that others in the industry should also be adequately compensated, particularly licensed commercial fishers.

Benefits and costs of implementation

The costs to Government will be within the \$10 million originally allocated to fund a buyout of commercial fishing activity in the new net free areas and payments to commercial fishers affected by the establishment of the zones.

Other implementation costs will be met from within existing resources.

Consistency with fundamental legislative principles

No fundamental legislative principle issues have been identified in the preparation of this amendment regulation.

Consultation

As part of the 2015 election Queensland Labor released the Sustainable Fishing Policy.

Since the 2015 election, the Department of Agriculture and Fisheries has undertaken both targeted and public consultation with commercial fishers, recreational fishers and charter fishers on aspects of the proposed implementation package, including zone boundaries, the buyout scheme and the potential for a payment scheme. Consultation included face to face meetings, written submissions and an internet survey.

Public consultation on the boundaries of the zones was conducted from 15 May 2015 to 15 July 2015 via an internet survey. In excess of 6000 individuals and non-Government organisations provided feedback. A diverse range of stakeholders responded with approximately 90 per cent either supportive of the proposed boundaries or sought an increase in their size.

Subsequent to this consultation, the Government considered feedback and the *Fisheries and Another Regulation Amendment Regulation (No.1) 2015* was notified on 11 September 2015. Prior to the notification, the Government announced its intent to progress the regulation and affected fishers were contacted.

Following that announcement, feedback from affected fishers highlighted a gap in the assistance measures for fishers who had relied heavily on net fishing within the zones. As a result the Government approved the establishment of the *Additional payments to particular holders of commercial fisher licences scheme* to eligible fishers.

The Office of Best Practice Regulation (OBPR) within the Queensland Productivity Commission was consulted as to whether the amendments qualified for an exclusion from the Regulatory Impact Statement (RIS) system. The OBPR advised that no further analysis was required as the proposal appears unlikely to result in significant adverse impacts.