

Rural and Regional Adjustment (Changes to Vessel Tracking Rebate Scheme) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries, provide this Human Rights Certificate with respect to the *Rural and Regional Adjustment (Changes to Vessel Tracking Rebate Scheme) Amendment Regulation 2020* (Vessel Tracking Rebate Scheme Amendment Regulation) made under the *Rural and Regional Adjustment Act 1994*.

In my opinion, the *Rural and Regional Adjustment (Changes to Vessel Tracking Rebate Scheme) Amendment Regulation 2020*, is compatible with the human rights protected by the *Human Rights Act 2019* (Human Rights Act). I base my opinion on the reasons outlined in this certificate.

Overview of the Subordinate Legislation

The Vessel Tracking Rebate Scheme Amendment Regulation is made under the *Rural and Regional Adjustment Act 1994*.

The authorising law for the regulation is:

Sections 3, 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994*.

The main objective of the Vessel Tracking Rebate Scheme Amendment Regulation is to enable the Queensland Rural and Industry Development Authority (QRIDA) to extend financial assistance under the vessel tracking rebate scheme (scheme), to the holders of eligible licences in the aquarium fish fishery (fishery symbol ‘A2’) and trochus fishery (east coast) (fishery symbol ‘J1’) to assist them with the costs incurred in purchasing and installing vessel tracking units. The subordinate legislation also makes it explicit that the vessel tracking rebate scheme includes the line fishery (multiple hook – east coast) (fishery symbol ‘L8’) even though holders of ‘L8’ fishery symbols are already covered by the scheme because they hold other line fishery ‘L’ fishery symbols which make them eligible. The Vessel Tracking Rebate Scheme Amendment Regulation also makes other adjustments to the scheme which reflect requirements to install a vessel tracking unit and extends the closing date of the scheme from 31 December 2020 to 30 June 2022.

The Vessel Tracking Rebate Scheme Amendment Regulation also increases the number of purchase and installation rebates which can be paid to eligible class 1 and class 3 commercial harvest fishery licences to three rebates of each type. This reflects that amendments to subordinate legislation made under the *Fisheries Act 1994* will allow the use of additional tender boats in fisheries in which class 1 and class 3 commercial harvest fishery licences are

used. The change allows fishers to be reimbursed for the additional vessel tracking units required for their additional boats.

Human Rights Issues

Human Rights relevant to the subordinate legislation (Part 2, Division 2 and 3 Human Rights Act 2019)

The human rights in sections 15 to 37 of the Human Rights Act have been considered in regard to the Vessel Tracking Rebate Scheme Amendment Regulation. The extension of purchase and installation rebates to the holders of licences endorsed for the aquarium fish fishery (fishery symbol ‘A2’) and trochus fishery (east coast) (fishery symbol ‘J1’ is considered to engage the following human rights:

- Recognition and equality before the law (section 15)
- Property rights (section 24).

The relevant sections of the *Rural and Regional Adjustment (Changes to Vessel Tracking Rebate Scheme) Amendment Regulation 2020* are section 5 and section 7. Section 5 extends eligibility to apply for rebates under the Vessel Tracking Rebate Scheme to holders of commercial harvest fishery licences endorsed with either an ‘A2’ or a ‘J1’ fishery symbol. A fishery symbol endorsed on a licence enables the holder of the licence to take fish in the fishery prescribed in legislation for the symbol. Fishery symbols, like the licence to which they are attached, have a value and can add to the overall value of the licence. In this way, a fishery symbol has attributes like that of other property. Section 7 prescribes that eligible commercial harvest fishery licences may apply for the number of purchase and installation rebates equivalent to the number of boats on which they are required to install vessel tracking units. This amendment ensures that holders of ‘A2’ and ‘J1’ endorsed licences are treated consistently with the holders of fishing licences endorsed with other fishery symbols who may apply for purchase and installation rebates for the number of boats upon which they are required to install vessel tracking units. To this end, both rights are protected, and there is no need to undertake further assessment under section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Vessel Tracking Rebate Scheme Amendment Regulation, is compatible with the *Human Rights Act 2019* because it does not limit any of the 23 human rights outlined in the Human Rights Act.

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MINISTER FOR AGRICULTURAL INDUSTRY
DEVELOPMENT AND FISHERIES