



Queensland

Rural and Regional Adjustment (Vessel Tracking Rebate Scheme) Amendment Regulation 2018

Subordinate Legislation 2018 No. 131

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 (Vessel Tracking Rebate Scheme) Amendment Regulation 2018*.

2 Commencement

This regulation commences on 30 August 2018.

3 Regulation amended

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

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

Section 3(1), ‘32’—

omit, insert—

33

5 Insertion of new sch 33

After schedule 32—

insert—

Schedule 33 Vessel Tracking Rebate Scheme

section 3(1)

Part 1 Preliminary

Division 1 General

1 Objective of scheme

The objective of the scheme is to assist holders of prescribed licences by offsetting costs incurred during the period starting on 1 June 2018 and ending on 31 December 2020 (the *prescribed period*) for either or both of the following—

- (a) buying new vessel tracking units from authorised suppliers for installation in eligible boats authorised for use under the licences;
- (b) having vessel tracking units professionally installed in the eligible boats.

Division 2 Key definitions

2 What is a *prescribed licence*

Each of the following is a *prescribed licence*—

- (a) a charter fishing licence;
- (b) an eligible commercial fishing boat licence;
- (c) an eligible commercial harvest fishery licence.

3 What is a *charter fishing licence*

A *charter fishing licence* is a charter fishing licence issued under the *Fisheries Regulation 2008*.

4 What is an *eligible commercial fishing boat licence*

- (1) An *eligible commercial fishing boat licence* is any of the following—
 - (a) a commercial fishing boat licence (a *class 1 CFB licence*) on which 1 fishery symbol

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- beginning with ‘C’, ‘M’ or ‘T’, or the fishery symbol ‘N11’ or ‘L3(0)’, and no other fishery symbol, is written;
- (b) a commercial fishing boat licence (a **class 2 CFB licence**) on which the fishery symbol ‘L3(1)’, and no other fishery symbol, is written;
 - (c) a commercial fishing boat licence (a **class 3 CFB licence**) on which 1 fishery symbol beginning with ‘K’ or ‘N’, other than the fishery symbol ‘N11’, and no other fishery symbol, is written;
 - (d) a commercial fishing boat licence (a **class 4 CFB licence**) on which—
 - (i) 1 of the fishery symbols ‘L1’, ‘L2’, ‘L4’ or ‘R’, and no other fishery symbol, is written; or
 - (ii) at least 1 of the fishery symbols ‘L1’, ‘L2’ or ‘L3’, and the fishery symbol ‘RQ’ or ‘SM’, are written; or
 - (iii) multiple fishery symbols, 1 of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’ or ‘R’, but none of which is the fishery symbol ‘RQ’ or ‘SM’, are written;
 - (e) a commercial fishing boat licence (a **class 5 CFB licence**) on which multiple fishery symbols, none of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’ or ‘R’, are written.
- (2) In this section—

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

5 What is an *eligible commercial harvest fishery licence*

- (1) An *eligible commercial harvest fishery licence* is any of the following—
- (a) a commercial harvest fishery licence (a *class 1 CHF licence*) on which 1 of the fishery symbols ‘A1’ or ‘D’, and no other fishery symbol, is written;
 - (b) a commercial harvest fishery licence (a *class 2 CHF licence*) on which the fishery symbol ‘B1’, and no other fishery symbol, is written;
 - (c) a commercial harvest fishery licence (a *class 3 CHF licence*) on which multiple fishery symbols, 1 of which is the fishery symbol ‘A1’ or ‘D’, are written.
- (2) In this section—
- commercial harvest fishery licence* means a commercial harvest fishery licence issued under the *Fisheries Regulation 2008*.

6 When is a vessel tracking unit *professionally installed* in an eligible boat

A vessel tracking unit is *professionally installed* in an eligible boat if—

- (a) the unit is installed by a person (an *approved installer*) who—
 - (i) is not the holder of the prescribed licence authorising the use of the boat; and
 - (ii) is approved, under the vessel tracking standard, to install the unit; and
- (b) the holder of the prescribed licence pays the approved installer to perform the installation; and

- (c) the unit is installed as required by the standard.

Division 3 Other definitions

7 Other definitions for schedule

In this schedule—

application means an application for assistance under the scheme.

authorised supplier, in relation to a new vessel tracking unit, means—

- (a) the manufacturer of the unit; or
- (b) a person who, in the ordinary course of the person's business, sells the unit.

broadest fishery symbol, for a class 4 CFB licence, means the fishery symbol written on the licence that authorises the use of the highest number of eligible tender boats under the licence.

certificate of operation means a certificate of operation issued for a vessel under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 48.

eligible boat means a boat propelled by a motor with a power output of at least 3kw.

eligible tender boat means a tender boat propelled by a motor with a power output of at least 3kw.

fishery symbol see the *Fisheries Regulation 2008*, schedule 11, part 2.

installation rebate see section 8(b).

new, in relation to a vessel tracking unit, means the unit has not previously been sold or used.

nominated licence, for an application, see section 9(2).

prescribed period see section 1.

purchase rebate see section 8(a).

scheme means the scheme set out in this schedule.

tender boat see the *Fisheries Regulation 2008*, schedule 11, part 1, section 7.

vessel tracking standard means the document called ‘Vessel Tracking Installation and Maintenance Standard’ published by the department.

Editor’s note—

A copy of the vessel tracking standard is available on the department’s website.

vessel tracking unit means a piece of equipment, used as part of a system that monitors the position and operation of a boat, that is identified in the vessel tracking standard.

Part 2 General provisions for scheme

Division 1 Preliminary

8 Nature of assistance

The nature of assistance that may be given under the scheme is either or both of the following—

- (a) a rebate (a *purchase rebate*) for buying a new vessel tracking unit from an authorised supplier within the prescribed period;
- (b) a rebate (an *installation rebate*) for having a vessel tracking unit professionally installed in an eligible boat authorised for use under the licence within the prescribed period.

9 Nature of applications

- (1) An application must be made—
 - (a) in relation to a prescribed licence, or prescribed licences, held by the applicant; and
 - (b) for either or both of the following in connection with the licence or licences—
 - (i) the purchase rebate;
 - (ii) the installation rebate.

Note—

Requirements for applications are stated in section 23.

- (2) Each prescribed licence to which an application relates is a *nominated licence* for the application.

Division 2 Eligibility for assistance

10 General eligibility criteria

- (1) A person is eligible for assistance under the scheme if—
 - (a) the person makes an application in accordance with sections 9 and 23 within the prescribed period; and
 - (b) the authority is satisfied the person has, for each vessel tracking unit for which the purchase rebate or installation rebate is sought under the application—

- (i) bought the unit; and

Note—

See also section 11.

- (ii) registered the verification details for the unit on the department's public register of fishing authorities known as FishNet.

Editor's note—

FishNet is available at
www.fishnet.fisheries.qld.gov.au.

(2) However, a person is not eligible for assistance under the scheme in connection with a prescribed licence that is—

- (a) suspended; or
- (b) being held by way of a temporary transfer under the *Fisheries Act 1994*, section 65C.

(3) In this section—

boat mark see the *Fisheries Regulation 2008*, section 228.

verification details, for a vessel tracking unit for which the purchase rebate or installation rebate is sought under an application, means—

- (a) the serial number for the unit; and
- (b) the licence number of the nominated licence for the application that authorises the use of the boat in which the unit is, or is to be, installed; and
- (c) if the nominated licence for the application is not a charter fishing licence—the boat mark for the boat in which the unit is, or is to be, installed.

11 Additional eligibility criterion—purchase rebate

An applicant is eligible for the purchase rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, bought the unit—

- (a) from an authorised supplier; and
- (b) when the unit was new; and
- (c) within the prescribed period.

12 Additional eligibility criteria—installation rebate

- (1) An applicant is eligible for the installation rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, had the unit professionally installed—
 - (a) in an eligible boat authorised for use under a nominated licence for the application; and
 - (b) within the prescribed period.
- (2) However, an applicant is not eligible for the installation rebate for a vessel tracking unit for which the rebate has previously been paid to a person.

13 Additional eligibility criterion—particular licences

- (1) This section applies if a nominated licence for an application is an eligible commercial fishing boat licence or eligible commercial harvest fishery licence.
- (2) The applicant is eligible for assistance under the scheme in connection with the nominated licence only for vessel tracking units identified in the vessel tracking standard as units approved for use in a fishery whose fishery symbol is written on the licence.
- (3) In this section—
fishery see the *Fisheries Act 1994*, section 7.

14 Moved fishery symbols

- (1) This section applies if—
 - (a) a nominated licence for an application (a *current application*) is an eligible

- commercial fishing boat licence or eligible commercial harvest fishery licence; and
- (b) a fishery symbol written on the licence has been moved from another licence under the *Fisheries Regulation 2008*, chapter 6, part 4; and
 - (c) the fishery symbol was relevant to an earlier application relating to the other licence that has been approved.
- (2) For the purposes of the current application, the nominated licence is taken not to have the fishery symbol written on it.

Division 3 Amount and payment of assistance

15 Amount of assistance

- (1) The amount of the purchase rebate payable to an applicant under the scheme is as follows—
 - (a) for a category A unit—the amount the applicant paid to buy the unit, up to a maximum of \$300;
 - (b) for a category B unit—the amount the applicant paid to buy the unit, up to a maximum of \$750.
- (2) The amount of the installation rebate payable to an applicant under the scheme for the installation of a vessel tracking unit is the amount the applicant paid to have the unit professionally installed in an eligible boat, up to a maximum of \$220.
- (3) In this section—

category A unit means a vessel tracking unit identified as a category A unit in the vessel

tracking standard.

category B unit means a vessel tracking unit identified as a category B unit in the vessel tracking standard.

16 Payment of purchase rebate

Subject to division 4, the purchase rebate can be paid to an applicant once for each vessel tracking unit bought by the applicant in accordance with section 11.

17 Payment of installation rebate

- (1) Subject to division 4, the installation rebate can be paid to an applicant as follows—
 - (a) if a nominated licence for the application is a charter fishing licence—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat that—
 - (i) is identified in a certificate of operation held by the applicant; and
 - (ii) is authorised for use under the licence; and
 - (iii) the authority considers is ordinarily used by the applicant for charter fishing trips under the licence;
 - (b) if a nominated licence for the application is a class 4 CFB licence—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat authorised for use under the broadest fishery symbol for the licence;
 - (c) otherwise—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat

authorised for use under a nominated licence for the application.

(2) In this section—

charter fishing trip see the *Fisheries Regulation 2008*, schedule 11, part 2.

Division 4 Restrictions on payment of assistance

18 Application of division

This division applies in relation to an application if, under division 2, the applicant is eligible for assistance under the scheme.

19 Rebates payable once per eligible boat

- (1) Neither the purchase rebate nor the installation rebate can be paid more than once for each eligible boat authorised for use under a nominated licence for the application.
- (2) This section does not limit section 17(1)(b).

20 Charter fishing licences

Neither the purchase rebate nor the installation rebate can be paid more than 7 times in connection with each nominated licence for the application that is a charter fishing licence.

21 Eligible commercial fishing boat licences

Neither the purchase rebate nor the installation rebate can be paid—

- (a) more than once in connection with each nominated licence for the application that is a class 1 CFB licence; or

- (b) more than twice in connection with each nominated licence for the application that is a class 2 CFB licence; or
- (c) more than 3 times in connection with each nominated licence for the application that is a class 3 CFB licence or class 5 CFB licence; or
- (d) more than the lesser of the following in connection with each nominated licence for the application that is a class 4 CFB licence—
 - (i) once for each eligible boat authorised for use under the broadest fishery symbol for the licence;
 - (ii) 7 times.

22 Eligible commercial harvest fishery licences

Neither the purchase rebate nor the installation rebate can be paid to the applicant—

- (a) more than once in connection with each nominated licence for the application that is a class 1 CHF licence or class 3 CHF licence; or
- (b) more than 5 times in connection with each nominated licence for the application that is a class 2 CHF licence.

Division 5 Applications

23 Application requirements

- (1) An application must be made in the form approved by the authority and accompanied by—
 - (a) the licence number of each nominated licence for the application; and

- (b) if a nominated licence for the application is a charter fishing licence—a copy of each certificate of operation for an eligible boat authorised for use under the licence; and
 - (c) if the application is for the purchase rebate—evidence the applicant bought each vessel tracking unit for which the rebate is sought in accordance with section 11; and
 - (d) if the application is for the installation rebate—evidence the applicant had each vessel tracking unit for which the rebate is sought professionally installed in accordance with section 12(1).
- (2) An applicant must give the authority any further documents or information the authority reasonably requires to decide the application.
- (3) In this section—
- evidence*, in relation to the purchase or professional installation of a vessel tracking unit, includes a tax invoice and official receipt for the purchase or installation.
- official receipt* means a receipt including—
- (a) the name and address of the entity that issued the receipt; and
 - (b) if the entity has an Australian Business Number—the Australian Business Number; and
 - (c) a description of each item to which the receipt relates.

24 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application.
- (2) The authority may approve an application only if the authority's assistance funds for applications

are sufficient to pay the relevant amount for the application.

ENDNOTES

- 1 Made by the Governor in Council on 23 August 2018.
- 2 Notified on the Queensland legislation website on 24 August 2018.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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