



Queensland

Fisheries and Other Legislation (Aquaculture Authorities) Amendment Regulation 2026

Subordinate Legislation 2026 No. 36

made under the

Fisheries Act 1994
Planning Act 2016

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fisheries and Other Legislation (Aquaculture Authorities) Amendment Regulation 2026*.

2 Commencement

- (1) This regulation, other than sections 11 and 16(1), commences on 27 April 2026.
- (2) Section 11 commences on 1 July 2026.
- (3) Section 16(1) commences on 1 May 2026.

Part 2 Amendment of Fisheries (General) Regulation 2019

3 Regulation amended

This part amends the *Fisheries (General) Regulation 2019*.

4 Amendment of s 62 (Authorisation under resource allocation authority)

- (1) Section 62(1)(b)—
omit.
- (2) Section 62(1)(c)—
renumber as section 62(1)(b).

5 Insertion of new ch 2, pt 5A

Chapter 2—
insert—

Part 5A Aquaculture authorities

62A Definitions for part

In this part—

aquaculture authority code means the document made by the Minister called ‘Aquaculture authority code’, dated 27 April 2026 and published on the department’s website.

complies, with the aquaculture authority code, for the doing of a thing, see section 62B.

62B When thing is done in a way that *complies* with aquaculture authority code

A thing is done in a way that *complies* with the aquaculture authority code if the thing is done in a way that—

- (a) complies with any acceptable outcomes, relevant to the thing, stated in the code; or
- (b) achieves the performance outcomes, relevant to the thing, stated in the code in a way other than by compliance with an acceptable outcome mentioned in paragraph (a).

62C Restrictions on issue of aquaculture authority

The chief executive may issue an aquaculture authority to do a thing only if—

- (a) an aquaculture development approval has been given for the aquaculture development to which the thing relates; and
- (b) the chief executive is satisfied the thing will be done in a way that complies with—

- (i) the development conditions of the aquaculture development approval; and
- (ii) the aquaculture authority code.

62D Restriction on renewal of aquaculture authority

The chief executive may renew an aquaculture authority only if the chief executive is satisfied each thing authorised under the authority has been, is being, or will be, done in a way that complies or will comply with the aquaculture authority code.

Note—

See also section 59(1) of the Act which provides for circumstances in which the chief executive may refuse to renew an authority including, as an example, the applicant not complying with a condition of a fisheries development approval.

62E Restriction on particular amendments of aquaculture authority

- (1) This section applies if—
 - (a) the holder of an aquaculture authority applies to the chief executive to amend the authority; and
 - (b) the requested amendment relates to doing a thing under the aquaculture authority.
- (2) The chief executive may amend the aquaculture authority in the way requested only if satisfied the thing will be done in a way that complies with—
 - (a) the development conditions of the aquaculture development approval for the aquaculture development to which the thing relates; and
 - (b) the aquaculture authority code.

[s 5]

62F Authorisation under aquaculture authority

The holder of an aquaculture authority may do any of the following things under the authority—

- (a) carry out the associated aquaculture activities for the aquaculture development to which the authority relates as stated in the authority;
- (b) for an authority relating to prescribed aquaculture development—interfere with the fish habitat in the Queensland waters or on the unallocated tidal land mentioned in the aquaculture development approval for the development;
- (c) buy, possess or use commercial fishing apparatus for doing a thing mentioned in paragraph (a) or (b);
- (d) sell commercial fishing apparatus used under the authority to a person who is authorised to buy the apparatus under an authority or a provision of this regulation or the *Fisheries (Commercial Fisheries) Regulation 2019*.

62G Condition about using commercial fishing apparatus on tidal land

It is a condition of an aquaculture authority that a person may use commercial fishing apparatus on tidal land under the authority only if—

- (a) the tidal land is mentioned in the aquaculture development approval for the aquaculture development to which the authority relates; and
- (b) the apparatus is used for carrying out associated aquaculture activities under the authority.

6 Insertion of new ch 6, pt 4, div 1A

Chapter 6, part 4—

insert—

Division 1A Fees for aquaculture authorities

137A Fees for aquaculture authorities generally

- (1) Schedule 5A states the fees payable for an aquaculture authority.
- (2) For schedule 5A, sections 137B and 137C provide for the fee in schedule 5A that applies to an application for an aquaculture authority.

137B Fee for standard assessment of aquaculture authority application

- (1) This section applies in relation to an application for an aquaculture authority for activities relating to aquaculture of a type mentioned in schedule 5A, part 1 unless the chief executive considers the application will reasonably require special assessment under section 137C.
- (2) The fee payable for the assessment of the application (*standard assessment*) is the fee stated in schedule 5A, part 1 for the aquaculture.
- (3) Subsection (4) applies in relation to the application if the activities relate to aquaculture of a type to which 2 or more paragraphs in schedule 5A, part 1, item 1 apply.
- (4) The fee payable for standard assessment of the application is the higher or highest of the fees (each an *alternative fee*) that, other than for this subsection, would be payable for the assessment under subsection (2).

[s 6]

- (5) If subsection (4) can not be applied because the amounts of 2 or more of the alternative fees are equal, the fee payable for the standard assessment of the application is the alternative fee the chief executive considers most appropriate for the assessment.

137C Fee for special assessment of aquaculture authority application

- (1) This section applies in relation to an application for an aquaculture authority for activities relating to aquaculture if the chief executive considers the application will reasonably require assessment under this section (*special assessment*).
- (2) The chief executive must decide whether the application will reasonably require special assessment at level 1, 2, 3, 4 or 5 having regard to each of the following matters—
- (a) the number of hours, and number of persons, that will be involved in assessing the application;
 - (b) the complexity of assessing the activities the subject of the application against the Act, including, for example, whether an activity—
 - (i) may pose a biosecurity risk within the meaning of the *Biosecurity Act 2014*; or
 - (ii) may involve the use of a method or equipment the chief executive considers new or unproven for carrying out the activity;
 - (c) the number of site inspections that will be required for assessing the application;

-
- (d) whether an environmental impact statement has been, or is required under an Act to be, prepared for—
 - (i) the aquaculture development to which the authority is proposed to relate; or
 - (ii) an activity the subject of the application.
 - (3) The fee payable for the special assessment of the application at level 1, 2, 3, 4 or 5 is the fee stated for the level of the assessment in schedule 5A, part 2.
 - (4) The chief executive must give the applicant a written notice stating the reasons the chief executive considers the application will require special assessment at level 1, 2, 3, 4 or 5.

7 Amendment of s 139 (Fees generally)

Section 139(1), ‘division 1’—

omit, insert—

division 1 or 1A

8 Amendment of sch 1 (Prescribed acts for which authority required)

- (1) Schedule 1, entry for Selling Queensland fisheries resources before second point of sale, second column, paragraph (b) (first occurrence), ‘the Planning Act’—

omit, insert—

the Act, the *Economic Development Act 2012*, the Planning Act or the *State Development and Public Works Organisation Act 1971*

- (2) Schedule 1, entry for Releasing aquaculture fisheries resources, second column, paragraph (a), ‘the Planning Act’—

[s 9]

omit, insert—

the Act, the *Economic Development Act 2012*, the
Planning Act or the *State Development and Public
Works Organisation Act 1971*

9 Amendment of sch 5 (Fees for resource allocation authorities)

(1) Schedule 5, item 1(c)—

omit.

(2) Schedule 5—

insert—

3 Assessment of application for amendment of resource allocation authority (Act, s 63A(2)(b)) 173.45

10 Insertion of new sch 5A

After schedule 5—

insert—

Schedule 5A Fees for aquaculture authorities

sections 137A, 137B(2) and 137C(3)

Part 1 Fees for standard assessment

Fee units

1 Standard assessment of application for aquaculture authority (Act, s 54(1)(b))—

	Fee units
(a) for an activity relating to land-based aquaculture—	
(i) if the aquaculture is not expected to cause the discharge of waste into a waterway	1,961.70
(ii) if the aquaculture is carried out in an area of not more than 100ha and is expected to cause the discharge of waste into a waterway	3,760.10
(iii) if the aquaculture is carried out in an area of more than 100ha and is expected to cause the discharge of waste into a waterway	7,682.40
(b) for an activity relating to aquaculture of barramundi in the Bulloo river basin, Lake Eyre drainage division or Murray-Darling drainage division	7,682.40
(c) for an activity relating to aquaculture of fisheries resources of the following categories of native wildlife under the <i>Nature Conservation Act 1992</i> (other than silver perch)—	
(i) extinct in the wild;	
(ii) critically endangered;	
(iii) endangered;	
(iv) vulnerable;	
(v) near threatened	7,682.40

[s 10]

	Fee units
(d) for an activity relating to aquaculture of fisheries resources of the following categories of native species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth) (other than silver perch)—	
(i) extinct in the wild;	
(ii) critically endangered;	
(iii) endangered;	
(iv) vulnerable;	
(v) conservation dependent	7,682.40
(e) for an activity relating to aquaculture of fisheries resources of the following categories of species for which an assessment has been published on the IUCN Red List (other than silver perch)—	
(i) extinct in the wild;	
(ii) critically endangered;	
(iii) endangered;	
(iv) vulnerable;	
(v) near threatened	7,682.40
(f) for an activity relating to aquaculture to which a regional marine aquaculture plan applies	1,961.70
(g) for an activity relating to aquaculture on tidal land that does not involve the addition of feed—	
(i) if the aquaculture does not involve aquaculture furniture and is carried out in an area of not more than 50ha	1,961.70
(ii) if the aquaculture does not involve aquaculture furniture and is carried out in an area of more than 50ha	3,760.10

	Fee units
(iii) if the aquaculture involves aquaculture furniture and is carried out in an area of not more than 20ha	1,961.70
(iv) if the aquaculture involves aquaculture furniture and is carried out in an area of more than 20ha	3,760.10
(h) for an activity relating to aquaculture on tidal land that involves the addition of feed	19,125.45
(i) for an activity relating to aquaculture associated with aquaculture development the subject of a coordinated project under the <i>State Development and Public Works Organisation Act 1971</i>	19,125.45

Part 2 Fees for special assessment

	Fee units
1 Special assessment of application for aquaculture authority (Act, s 54(1)(b))—	
(a) for a level 1 assessment	636.95
(b) for a level 2 assessment	1,961.70
(c) for a level 3 assessment	3,760.10
(d) for a level 4 assessment	7,682.40
(e) for a level 5 assessment	19,125.45

Part 3 Other fees for aquaculture authorities

[s 11]

	Fee units
1 Assessment of application for renewal of aquaculture authority (Act, s 56(4)(b))	636.95
2 Assessment of application for amendment of aquaculture authority (Act, s 63A(2)(b))—	
(a) for all applications	173.45
(b) if the fee for the assessment of an application for an aquaculture authority of the same kind that is amended in the way requested is higher than the fee for the assessment of an application for an aquaculture authority of the same kind that is not amended in the way requested	the difference between the fees mentioned opposite

11 Amendment of sch 6 (Fees)

Schedule 6, part 2, table, under heading ‘Commercial net fisheries’, after entry for N13—

insert—

N15	402.35
NX	402.35

12 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

aquaculture authority code, for chapter 2, part 5A, see section 62A.

complies, with the aquaculture authority code, for the doing of a thing, for chapter 2, part 5A, see section 62B.

development condition, of an aquaculture development approval, for chapter 2, part 5A, see

section 62A(4) of the Act.

IUCN Red List means the IUCN Red List of Threatened Species maintained by the Red List Partnership.

Editor's note—

The IUCN Red List of Threatened Species is published on the website www.iucnredlist.org.

land-based aquaculture means aquaculture carried out on land that is not tidal land.

Queensland Government website means a website with a URL that contains 'qld.gov.au', other than the website of a local government.

regional marine aquaculture plan means a document, designated as a regional marine aquaculture plan, prepared by the chief executive and published on a Queensland Government website.

special assessment, of an application for an aquaculture authority, see section 137C(1).

standard assessment, of an application for an aquaculture authority, see section 137B(2).

Part 3 Amendment of Planning Regulation 2017

13 Regulation amended

This part amends the *Planning Regulation 2017*.

14 Amendment of sch 7 (Accepted development)

(1) Schedule 7, section 3, heading and subsection (1), 'prescribed'—

omit.

[s 15]

- (2) Schedule 7, section 3(2)—
omit.

15 Amendment of sch 10 (Development assessment)

- (1) Schedule 10, part 6, division 1, subdivision 2, table 1, item 5(a)(ii), (b)(ii) and (c)(ii), column 1, ‘Queensland waters’—
omit, insert—
a waterway
- (2) Schedule 10, part 6, division 1, subdivision 2, table 1, item 5(a), column 2, ‘3,430 fee units’—
omit, insert—
1,714 fee units
- (3) Schedule 10, part 6, division 1, subdivision 2, table 1, item 5(b), column 2, ‘6,859 fee units’—
omit, insert—
3,430 fee units
- (4) Schedule 10, part 6, division 1, subdivision 2, table 1, item 5(c), (d) and (g), column 2, ‘13,715 fee units’—
omit, insert—
6,859 fee units
- (5) Schedule 10, part 6, division 1, subdivision 2, table 1, item 5(e) and (f)—
omit, insert—

(e) if the aquaculture is carried out on tidal land covering an area of not more than 50ha and does not involve the addition of feed	1,714 fee units
(f) if the aquaculture is carried out on tidal land covering an area of more than 50ha and does not involve the addition of feed	3,430 fee units

16 Amendment of sch 24 (Dictionary)

- (1) Schedule 24, definition *State development assessment provisions*, ‘12 December 2025’—

omit, insert—

1 May 2026

- (2) Schedule 24, definition *waterway*, after ‘about’—

insert—

aquaculture or

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 23 April 2026.
- 2 Notified on the Queensland legislation website on 24 April 2026.
- 3 The administering agency is the Department of Primary Industries.

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