



Queensland

# Fisheries and Another Regulation Amendment Regulation (No. 1) 2015

## Subordinate Legislation 2015 No. 125

made under the

*Fisheries Act 1994*

*Rural and Regional Adjustment Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Fisheries and Another Regulation Amendment Regulation (No. 1) 2015*.

### **2 Commencement**

This regulation commences at midday on 1 November 2015.

## **Part 2 Amendment of Fisheries Regulation 2008**

### **3 Regulation amended**

This part amends the *Fisheries Regulation 2008*.

### **4 Amendment of ss 30 and 31**

Sections 30 and 31, ‘12’—

*omit, insert—*

12A

### **5 Omission of s 89 (Exception for Trinity Bay regulated waters)**

Section 89—

*omit.*

### **6 Insertion of new ch 2, pt 12A**

Chapter 2—

*insert—*

---

**Part 12A**            **Declaration about  
commercial fishers  
possessing or using  
particular nets for  
taking fish for trade or  
commerce**

**Division 1**            **Regulated persons**

**123 Regulated persons for pt 12A**

A commercial fisher is a regulated person.

**Division 2**            **Possessing or using  
particular nets**

**123A Regulated waters for div 2**

This division applies to the following regulated waters—

- (a) Yeppoon–Keppel Bay–Fitzroy  
River–Capricorn Coast waters;
- (b) St Helens Beach–Cape Hillsborough–North  
of Mackay waters;
- (c) Trinity Bay–Cairns waters.

**123B Prohibited activities**

- (1) A regulated person must not in the regulated waters—
  - (a) possess a relevant net for taking fish for trade or commerce, unless the net is stowed and secured on a boat; or

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- (b) use a relevant net for taking fish for trade or commerce.

*Note*—

See section 88 under which parts of the regulated waters are subject to prohibitions on possession or use of any nets.

- (2) In this section—

*relevant net* means a cast net, mesh net, seine net or set pocket net.

## 7 **Amendment of sch 1 (Regulated waters)**

- (1) Schedule 1, part 2, after entry for Fitzroy River (town reach netting)—

*insert—*

|   |   |          |
|---|---|----------|
| Yeppoon–<br>Keppel<br>Bay–Fitzroy<br>River–<br>Capricorn<br>Coast<br>waters | 1 waters within the following boundary— <ul style="list-style-type: none"> <li>• from latitude 22° 56.676’ south, longitude 150° 47.614’ east</li> <li>• south easterly to latitude 23° 3.194’ south, longitude 151° 0.000’ east</li> <li>• then south to latitude 23° 24.000’ south, longitude 151° 0.000’ east</li> <li>• then south easterly to latitude 23° 27.145’ south, longitude 151° 1.065’ east</li> <li>• then to latitude 23° 33.378’ south, longitude 151° 0.936’ east</li> <li>• then to latitude 23° 34.414 south, longitude 151° 0.654’ east</li> <li>• then generally north westerly along the mainland shore to latitude 22° 56.676’ south, longitude 150° 47.614’ east</li> </ul> 2 waterways flowing into the waters mentioned in item 1, other than waterways flowing into the waters between latitude 23° 33.378’ south, longitude 151° 0.936’ east and latitude 23° 34.414 south, longitude 151° 0.654’ east | part 12A |
|---|---|----------|

(2) Schedule 1, part 2, after entry for Reliance Creek, west of Eimeo—

[s 7]

*insert—*

|  |   |          |
|--|---|----------|
| St Helens Beach—Cape Hillsborough—North of Mackay waters | 1 waters within the following boundary— <ul style="list-style-type: none"> <li>• from latitude 20° 46.746' south, longitude 148° 49.893' east</li> <li>• to latitude 20° 46.746' south, longitude 148° 53.131' east</li> <li>• to latitude 20° 54.813' south, longitude 149° 4.047' east</li> <li>• to latitude 20° 56.205' south, longitude 149° 4.047' east</li> <li>• to latitude 20° 56.381' south, longitude 149° 2.669' east</li> <li>• to latitude 20° 55.571' south, longitude 149° 1.679' east</li> <li>• then generally north westerly along the mainland shore to latitude 20° 46.746' south, longitude 148° 49.893' east</li> </ul> 2 waterways flowing into the waters mentioned in item 1 | part 12A |
|--|---|----------|

(3) Schedule 1, part 2, after entry for Centenary Lakes, Cairns—



*insert—*

|                           |  |          |
|---------------------------|--|----------|
| Trinity Bay–Cairns waters | <p>1 waters within the following boundary—</p> <ul style="list-style-type: none"><li>• from latitude 16° 46.517' south, longitude 145° 41.686' east</li><li>• to latitude 16° 52.263' south, longitude 145° 50.933' east</li><li>• then generally south westerly along the mainland shore to latitude 16° 55.196' south, longitude 145° 47.377' east</li><li>• then generally north westerly along the mainland shore to latitude 16°46.517' south, longitude 145° 41.686' east</li></ul> <p>2 waterways flowing into the waters mentioned in item 1</p> | part 12A |
|---------------------------|--|----------|

## Part 3 **Amendment of Rural and Regional Adjustment Regulation 2011**

### 8 **Regulation amended**

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

### 9 **Amendment of s 3 (Approval of schemes—Act, s 11)**

Section 3(1), ‘and 25’—

*omit, insert—*

, 25, 26 and 27

[s 10]

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## 10 Insertion of new schs 26 and 27

After schedule 25—

*insert—*

### **Schedule 26 Particular commercial fishing boat licences surrender scheme**

section 3(1)

## **Part 1 Preliminary**

### **1 Purpose of financial assistance**

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to offset the impact on holders of particular commercial fishing boat licences of the surrender of the licence as a result of a prohibition on commercial fishers about the possession or use of a cast net, mesh net, seine net or set pocket net in the following regulated waters—
  - (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.

*Note —*

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

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## Part 2 Definitions

### Division 1 Key definitions

#### 2 What is a *relevant licence*

- (1) A *relevant licence* is a commercial fishing boat licence—
  - (a) in relation to which the following are satisfied—
    - (i) at 5pm on 16 August 2015 a class 1 fishery symbol was written on the licence;
    - (ii) under the symbol, the holder of the licence could use a qualifying net to take fish in part or all of the Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters or St Helens Beach–Cape Hillsborough–North of Mackay waters regulated waters; or
  - (b) in relation to which the following are satisfied—
    - (i) at 5pm on 16 August 2015 the licence had fishery symbol ‘N1’, ‘N2’ or ‘N11’ written on it;
    - (ii) at 5pm on 16 August 2015 the licence related to a boat for which, under the *Fisheries Regulation 2008*, there was boat mark FHND, FNCX, FUPR, FXHN or FXTH;
    - (iii) under the symbol, or otherwise under the *Fisheries Regulation 2008*, the holder of the licence could use a qualifying net to take fish in part or all

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of the Trinity Bay–Cairns waters  
regulated waters.

- (2) Subsections (1)(a)(i) and (b)(i) apply whether or not—
  - (a) another fishery symbol is written on the licence; or
  - (b) the licence is suspended.
- (3) In this section—

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

### **3 Who is the *holder* of a relevant licence**

The *holder*, of a relevant licence, is the person to whom it is issued or transferred, other than by a temporary transfer under the *Fisheries Act 1994*, section 65C.

### **4 Who is the *relevant holder* for a surrender offer**

The *relevant holder*, for a surrender offer, is the holder of the relevant licence to which the offer relates.

### **5 What is a *surrender offer***

A *surrender offer* is an offer, included in an application, to surrender a relevant licence.

### **6 What is the *relevant amount* for a surrender offer**

- (1) The *relevant amount*, for a surrender offer, is the total of—
  - (a) the amount stated in the table in section 19 for a commercial fishing boat licence; and

- 
- (b) the total of the amounts stated in the table for the class 1 fisheries symbols that—
- (i) were written on the licence to which the offer relates at 5pm on 16 August 2015; and
  - (ii) are written on the licence when the licence is surrendered; and
- (c) the total of the amounts stated in the table for the class 2 fisheries symbols that—
- (i) were written on the licence at 5pm on 16 August 2015; and
  - (ii) are written on the licence when the licence is surrendered.
- (2) The *relevant amount* is exclusive of GST.

## Division 2 Other definitions

### 7 Other definitions for sch 26

In this schedule—

***application*** means an application under this scheme.

***approved form*** means a form approved by the authority.

***class 1 fishery symbol*** means fishery symbol ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’.

***class 2 fishery symbol*** means fishery symbol ‘C1’, ‘C2’, ‘L1’, ‘L2’, ‘L3’, ‘L4’, ‘L8’, ‘M1’, ‘N3’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’, ‘T9’, ‘S’, ‘RQ(0)’, ‘RQ(1)’, ‘RQ(2)’, ‘RQ(3)’, ‘RQ(4)’, ‘SM’, ‘SM(1)’, ‘SM(2)’, ‘SM(3)’, ‘SM(4)’ or ‘P’.

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

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

**holder**, of a relevant licence, see section 3.

**invitation notice**, for an offer, means the notice published under section 9 for the offer.

**qualifying net** means a cast net, mesh net, seine net or set pocket net.

**regulated waters** means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

**relevant amount**, for a surrender offer, see section 6.

**relevant holder**, for a surrender offer, see section 4.

**relevant licence** see section 2.

**scheme** means the scheme set out in this schedule.

**surrender**, of a relevant licence, means surrender of the licence under the *Fisheries Act 1994*, section 72.

**surrender offer** see section 5.

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## **Part 3                    General provisions for                                   scheme**

### **Division 1              Nature of assistance**

#### **8      Nature of financial assistance**

The nature of financial assistance that may be given under this scheme to a relevant holder whose surrender offer is accepted by the authority is the payment to the holder of the relevant amount for the offer.

### **Division 2              Invitations for surrender                                   offers**

#### **9      Invitation notice for offers**

- (1) The authority must invite surrender offers from the relevant holders by publishing on the authority's website a notice complying with subsections (2) to (4).

*Editor's note—*

The address of the authority's website is <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

- (2) The notice must state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* to make an offer under the scheme, in the approved form of application, for the surrender of the holder's licence, if the following requirements are met—
- (a) at 5pm on 16 August 2015 the licence had fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on it;

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- (b) under the symbol, the holder used a cast net, mesh net, seine net or set pocket net to take fish in either or both of the following regulated waters declared under that regulation—
    - (i) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters; or
    - (ii) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) during the year 2012, 2013 or 2014 a holder of the licence used a cast net, mesh net, seine net or set pocket net to take fish under the symbol in either or both of the regulated waters;
  - (d) the use of the net mentioned in paragraph (c) is recorded in a fishery logbook for the licence received by the department before 1 April 2015.
- (3) The notice must also state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* to make an offer under this scheme, in the approved form of application, for the surrender of the holder's licence, if the following requirements are met—
- (a) at 5pm on 16 August 2015 the licence—
    - (i) had fishery symbol 'N1', 'N2' or 'N11' written on it; and
    - (ii) related to a boat for which, under that regulation, there was boat mark FHND, FNCX, FUPR, FXHN or FXTH;
  - (b) under the fishery symbol, or otherwise under that regulation, the holder could use a cast net, mesh net, seine net or set pocket net to take fish in part or all of the Trinity Bay–Cairns waters regulated waters;



- 
- (c) during the year 2012, 2013 or 2014 a holder of the licence could use a cast net, mesh net, seine net or set pocket net to take fish in part or all of the regulated waters under the fishery symbol or otherwise under that regulation.
- (4) The notice must also state—
- (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
- (b) the day on and from which an application can be made; and
- (c) that an application must be given to the authority by the end of 2 December 2015; and
- (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 26.

### **Division 3            Application can not be                                  made if any Fisheries Act                                  1994 compensation paid**

#### **10 Person can not apply under scheme if any                                  compensation paid**

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.

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(3) In this section—

*regulated waters prohibition* means the prohibition about the possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

## **Division 4 Eligibility**

### **11 Eligibility criteria**

A person is eligible for assistance under this scheme if—

- (a) the person makes an application by the end of 2 December 2015; and
- (b) the requirements under section 9 applying to the offer included in the application have been met; and
- (c) from when the offer is made until it is accepted the person is the relevant holder for the offer; and
- (d) the person complies with the conditions of the assistance imposed under section 16.

## **Division 5 Dealing with surrender offers**

### **12 Authority must accept or reject offer**

- (1) This section applies if—
  - (a) a person makes an application by the end of 2 December 2015; and
  - (b) it is after 2 December 2015.

- (2) The authority, for the State, must by written notice to the applicant—
  - (a) do both of the following—
    - (i) accept the applicant’s surrender offer;
    - (ii) state that the applicant will be paid a stated amount as payment for the surrender offer; or
  - (b) state that the State has refused to accept the applicant’s surrender offer, and the reasons for the refusal.

**13 State not required to accept surrender offer**

The State is not required to accept a surrender offer.

**14 Surrender offer may be accepted only if sufficient funds**

The authority, for the State, may accept a surrender offer only if the authority’s assistance funds for the scheme are sufficient to pay the relevant amount for the offer.

**15 Priority of consideration for acceptance of surrender offers according to history of use of qualifying nets**

- (1) Surrender offers by relevant holders must be considered for acceptance in the following decreasing order of priority—
  - (a) from the relevant holder with the highest number of qualifying nets use days;
  - (b) to the relevant holder with the lowest number of qualifying nets use days.

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- (2) The number of *qualifying nets use days*, for a relevant holder, is worked out by using the following steps—
  - (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that a holder of the relevant licence used a qualifying net to take fish in the zone under a class 1 fishery symbol written on the relevant licence;
  - (b) step 2—total the number of logged days worked out under step 1 for the respective zones.
- (3) For subsection (2), the use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone.
- (4) In this section—

*logged* means recorded in a fishery logbook for the licence received by the department before 1 April 2015.

*zone* means any of the following regulated waters—

  - (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.

## **Division 6      Other provisions**

### **16 Conditions of assistance for surrender offer**

- (1) This section applies if the authority, by notice under section 12(2)(a), accepts a surrender offer made by a relevant holder.
- (2) It is a condition of the assistance that—

- (a) each class 1 fishery symbol that was written on the relevant licence at 5pm on 16 August 2015 is written on the licence when it is surrendered; and
- (b) the relevant holder must, on or before the day stated in the surrender offer for the surrender of the relevant licence, give the authority—
  - (i) the relevant holder's commercial fishing boat licence; and
  - (ii) a notice of surrender of the licence, in the approved form, under the *Fisheries Act 1994*, section 72.
- (3) If the relevant holder complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

## 17 Applications

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 2 December 2015.
- (2) The approved form must include provision for the applicant to make a surrender offer.
- (3) A surrender offer may be made to the authority only under subsection (1).
- (4) The authority may ask an applicant for further relevant information required to consider the application.

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- (5) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

## 18 Deciding applications

The authority must consider, and decide to approve, or refuse to approve, each application including by—

- (a) considering the surrender offer included in the application; and  
(b) deciding to accept or reject the offer.

## Part 4 Table for working out relevant amount

### 19 Table for s 6(1) for working out relevant amount

This section is for section 6(1).

|  |           |
|--|-----------|
| <b>Commercial fishing boat licence</b> | \$18,000  |
| <b>Class 1 fishery symbol</b>          | <b>\$</b> |
| N1                                     | 48,000    |
| N2                                     | 90,000    |
| N4                                     | 96,000    |
| N10                                    | 60,000    |
| N11                                    | 6,000     |
| K1                                     | 60,000    |
| K2                                     | 60,000    |
| K3                                     | 60,000    |
| K4                                     | 60,000    |
| K5                                     | 60,000    |
| K6                                     | 60,000    |

| <b>Class 1 fishery symbol</b> | <b>\$</b> |
|-------------------------------|-----------|
| K7                            | 60,000    |
| K8                            | 60,000    |

| <b>Class 2 fishery symbol</b> | <b>\$</b> |
|-------------------------------|-----------|
| C1                            | 36,000    |
| C2                            | 12,000    |
| L1                            | 12,000    |
| L2                            | 12,000    |
| L3                            | 12,000    |
| L4                            | 24,000    |
| L8                            | 54,000    |
| M1                            | 30,000    |
| T2                            | 24,000    |
| T9                            | 24,000    |
| N3                            | 90,000    |
| T1                            | 30,000    |
| T5                            | 24,000    |
| T6                            | 24,000    |
| T7                            | 24,000    |
| T8                            | 24,000    |
| S                             | 12,000    |
| RQ(0)                         | 18,000    |
| RQ(1)                         | 24,000    |
| RQ(2)                         | 30,000    |
| RQ(3)                         | 36,000    |
| RQ(4)                         | 42,000    |
| SM                            | 24,000    |
| SM(1)                         | 24,000    |
| SM(2)                         | 30,000    |
| SM(3)                         | 36,000    |
| SM(4)                         | 42,000    |

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| <b>Class 2 fishery symbol</b> | <b>\$</b> |
|-------------------------------|-----------|
| P                             | 30,000    |

## **Schedule 27      Payments to holders of commercial fisher licences for prohibition on possession or use of particular nets scheme**

section 3(1)

### **Part 1              Preliminary**

#### **1      Purpose of financial assistance**

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to provide a fair and reasonable payment to the holder of a particular commercial fisher licence to whom a prohibition about possessing or using a cast net, mesh net, seine net or set pocket net to take fish in the following regulated waters applies—
  - (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.



*Note—*

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

## Part 2 Definitions

### Division 1 Key definitions

#### 2 Who is the *relevant holder* for an application

The *relevant holder*, for an application, is the person to whom the commercial fisher licence to which the application relates is issued.

#### 3 What is the *relevant amount*

- (1) The *relevant amount* for an application is worked out under this section.
- (2) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters regulated waters is a *zone* and the base amount for the zone is \$500.
- (3) St Helens Beach–Cape Hillsborough–North of Mackay waters regulated waters is also a *zone* and the base amount for the zone is \$500.
- (4) Trinity Bay–Cairns waters regulated waters is also a *zone* and the base amount for the zone is \$1000.
- (5) For each zone, multiply the base amount for the zone by the applicant’s average net use days for the zone (each *the zone amount*).

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- (6) The relevant amount payable to the applicant is the total of the zone amounts.
- (7) The *applicant's average net use days*, for a zone, is worked out by—
  - (a) taking the number of logged days during the year 2012, 2013 or 2014 that the applicant used a qualifying net to take fish in the zone under a relevant fishery symbol; and
  - (b) dividing by 3.
- (8) For subsection (7)(a), the use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone
- (9) In this section—

*logged* means recorded in a fishery logbook received by the department before 1 April 2015.

*qualifying net* means a cast net, mesh net, seine net or set pocket net.

## Division 2      Other definitions

### 4      Other definitions for sch 27

In this schedule—

*application* means an application under this scheme.

*approved form* means a form approved by the authority.

*commercial fisher licence* means a commercial fisher licence under the *Fisheries Regulation 2008*.

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

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*regulated waters* means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

*relevant fishery symbol* means fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'.

*relevant holder*, for an application, see section 2.

*scheme* means the scheme set out in this schedule.

*zone* see section 3(2), (3) or (4).

## **Part 3                    General provisions for scheme**

### **Division 1            Nature of assistance**

#### **5    Nature of financial assistance**

The nature of financial assistance that may be given under this scheme to a relevant holder whose application is approved by the authority is the payment to the relevant holder of the relevant amount.

### **Division 2            Invitations for applications for payment**

#### **6    Invitation notice**

- (1) The authority must invite applications from relevant holders for a payment under this scheme by publishing on the authority's website a notice complying with subsections (2) to (4).

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*Editor's note—*

The address of the authority's website is  
<www.qraa.qld.gov.au>.

- (2) The notice must state that the authority invites each holder of a commercial fisher licence under the *Fisheries Regulation 2008* to apply, in the approved form, to the authority for a payment under this scheme, if the following requirements are met—
- (a) during the year 2012, 2013 or 2014 the holder used a cast net, mesh net, pocket net or seine net to take fish under the licence while using a commercial fishing boat under a commercial fishing boat licence with fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on it;
  - (b) the use of the net mentioned in paragraph (a) was in either or both of the following regulated waters declared under that regulation—
    - (i) the Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
    - (ii) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) the use of the net mentioned in paragraphs (a) and (b) is recorded in a fishery logbook received by the department before 1 April 2015.
- (3) The notice must also state that the authority invites each holder of a commercial fisher licence under the *Fisheries Regulation 2008* to apply, in the approved form, for a payment under this scheme, if the following requirements are met—
- (a) during the year 2012, 2013 or 2014 the holder used a cast net, mesh net, pocket net

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or seine net to take fish under the licence while using a commercial fishing boat under a commercial fishing boat licence—

- (i) with fishery symbol ‘N1’, ‘N2’ or ‘N11’ written on it; and
  - (ii) that relates to a boat for which, under that regulation, there is boat mark FHND, FNCX, FTTZ, FUPR, FXHN or FXTH;
- (b) the use of the net mentioned in paragraph (a) was in the Trinity Bay–Cairns regulated waters;
- (c) the use of the net mentioned in paragraphs (a) and (b) is recorded in a fishery logbook received by the department before 1 April 2015.
- (4) The notice must also state—
- (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
  - (b) the day on and from which an application can be made; and
  - (c) that an application must be given to the authority by the end of 2 December 2015; and
  - (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 27.

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### **Division 3            Application can not be made if any Fisheries Act 1994 compensation paid**

#### **7    Person can not apply under scheme if any compensation paid**

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.
- (3) In this section—

*regulated waters prohibition* means the prohibition about the possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

### **Division 4            Eligibility**

#### **8    Eligibility criteria**

- (1) A person is eligible for assistance under this scheme if—
  - (a) the person makes an application by the end of 2 December 2015; and
  - (b) the requirements under section 6 applying to the offer included in the application have been met.
- (2) A person is not ineligible for assistance under this scheme only because the person relies on—
  - (a) a commercial fishing boat licence that has a fishery symbol written on it that is in addition to a fishery symbol mentioned in

section 6; or

- (b) a commercial fisher licence that is suspended.

**9 Authority must approve or refuse to approve application and give notice to applicant**

- (1) This section applies if—
  - (a) a person makes an application by the end of 2 December 2015; and
  - (b) it is after 2 December 2015.
- (2) The authority, for the State, must by written notice to the applicant—
  - (a) approve the application and advise that the applicant will be paid a stated amount as payment for the application; or
  - (b) refuse to approve the application and state the reasons for the refusal.

**10 Payment of relevant amount only if sufficient funds**

The authority, for the State, may accept an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.

**11 Priority of consideration for acceptance of applications according to order received**

Applications by relevant holders must be considered for acceptance in the order they were received by the authority.

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## **12 Applications**

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 2 December 2015.
- (2) The authority may ask an applicant for further relevant information required to consider the application.
- (3) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

## **13 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application.

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### ENDNOTES

- 1 Made by the Governor in Council on 10 September 2015.
- 2 Notified on the Queensland legislation website on 11 September 2015.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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Authorised by the Parliamentary Counsel