

Impact Analysis Statement

Summary IAS

Lead department	Department of Primary Industries
Name of the proposal	<i>Fisheries and Other Legislation (Aquaculture Authorities) Amendment Regulation 2026</i> Amendment of <i>Fisheries (General) Regulation 2019</i> and <i>Planning Regulation 2017</i> .
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Fisheries and Other Legislation (Aquaculture Authorities) Amendment Regulation 2026</i>
Date of issue	April 2026

Proposal type	Details
Regulatory proposals where no RIA is required	The following proposals are considered to streamline and simplify existing administrative processes and are therefore proposals that are deregulatory (remove regulation), and do not increase costs or regulatory burden on business or the community. The proposed amendments are consequential of the passing of the <i>Agriculture and Fisheries and Other Legislation Amendment Act 2024</i> (AFOLA Act) which introduced the Aquaculture Authority as an authority under the <i>Fisheries Act 1994</i> (the Fisheries Act). Background The current framework for aquaculture in Queensland requires operators to secure a Development Approval for Material Change of Use that is Aquaculture (Development Approval) issued under the <i>Planning Act 2016</i> (Planning Act), unless the activity meets the requirements for accepted development. Other licences and approvals such as a Resource Allocation Authority (RAA) for Prescribed Aquaculture, may also be required depending on the location and scope of the operation. These approvals and licences are required to support the Department of Primary Industries (the department) in regulating the aquaculture industry in Queensland. Aquaculture activities are regulated to ensure that operations are sustainable, and the health and wellbeing of fisheries and aquaculture fisheries resources is maintained, as the intent of the Fisheries Act. Regulatory action also aids in managing biosecurity risks, as the intent of the <i>Biosecurity Act 2014</i> (Biosecurity Act). New aquaculture proposals are required to apply for a Development Approval under the Planning Act. The application may be assessed through the State Assessment and Referral Agency as the assessment manager. Where prescribed, the department carries out an assessment, using the current version of the State Development Assessment Provisions State Code 17: Aquaculture

(SDAP). The new application is assessed against each relevant Performance Outcome outlined within the SDAP and recommended conditions are tailored depending on the scope of the application. Conditions are imposed under the Planning Act to manage development impacts, to mitigate risk from the day-to-day aquaculture activities ensuring the welfare of the cultured animals and minimise impacts to the surrounding environment, as per the requirements of the Fisheries Act. All holders have a general biosecurity obligation under the Biosecurity Act, and biosecurity related conditions are imposed to ensure that this obligation is met.

Aquaculture operators are required to adhere to the conditions stipulated within the Development Approval. These conditions are currently inclusive of both aquaculture operational and land-use components of the aquaculture development, taking into consideration the location and species proposed to be aquacultured.

Development Approvals are issued under the Planning Act. Any amendment to the Development Approval (including changes to conditions or approved plans) must be progressed through a change application process, which is generally initiated by the applicant. This may be inefficient where there is an emerging biosecurity risk and an application must be made to amend the conditions under the Development Approval for an aquaculture operation to promptly manage and prevent the operation contributing to the spread of the risk.

The Department of Primary Industries (the Department) is the nominated enforcement authority for conditions that relate to the aquaculture component of the development approval. The aquaculture team, within the department, ensure compliance through stakeholder engagement and monitoring requirements. Aquaculture facilities are also inspected by the Queensland Boating and Fishing Patrol, and any non-compliance may result in the issue of a Planning Infringement Notice or other enforcement action.

Under the current framework, the development application and assessment process includes operational aspects and biosecurity matters that are best managed under the Fisheries Act. These include for example, a list of approved aquaculture species or the obligation to keep wild fauna out from an approved aquaculture area.

The AFOLA Act will introduce the Aquaculture Authority to the Fisheries Act. This authority is to replace the requirement for an RAA for prescribed aquaculture (the RAA framework for development in a declared Fish Habitat Area remains unchanged) and will be required for all assessable aquaculture operations in Queensland. The Aquaculture Authority is to be implemented upon automatic proclamation on 26 April 2026.

The Aquaculture Authority will trigger the transition of the aquaculture operational components currently managed through conditions on the Development Approval to the Aquaculture Authority and managed under the Fisheries Act. The conditions imposed upon the new Aquaculture Authority will align with aquaculture operational conditions that were previously imposed upon the Development Approval. The changes support red and green tape reduction initiatives across Government and will ensure development approval processes

	are streamlined, and ongoing operating requirements are more effectively managed by relevant government agencies. The introduction of this new authority that regulates aquaculture operational aspects of aquaculture development will afford the department the ability to make changes to the authority by either modifying or imposing conditions which address existing or potential biosecurity risks in a timely manner. <u>Consultation for AFOLA</u> The Aquaculture Authority was introduced in the Fisheries Act through the amendment vehicle that is the AFOLA Act. During the process of preparing the Bill, Fisheries Queensland sought industry consultation during the public consultation process for the AFOLA Act including the proposed new Aquaculture Authority. During this consultation process, industry groups provided feedback and requested clarification on clauses within the AFOLA Act. Most commonly, clarification was required around the removal of the Resource Allocation Authority for prescribed aquaculture, as the Resource Allocation Authority for development in a declared fish habitat area remains. The department addressed this in amending the Explanatory Memorandum to make the distinction clearer. Industry groups and the Housing Big Build and Manufacturing Committee both requested that the authority be issued for a period of longer than 12 months, given the operational capital, investment and certainty needed to continue to invest in aquaculture. The department envisages Aquaculture Authorities will be issued for a period consistent with current timeframes for Development Approvals and RAAs; in perpetuity for land-based Aquaculture Authorities and for tidal Aquaculture Authorities, a period of up to 30 years. The industry groups consulted did not support the provision that allows the department to unilaterally impose regulatory conditions to authorities without consent of the applicant if this provision were carried out without procedural fairness. The department is bound by the procedures detailed in the Fisheries Act including that adequate procedural fairness must be given to authority holders subjected to amendments of their authority. <u>Regulatory Proposal</u> The department proposes to amend: • The Fisheries General Regulation 2019 to: ○ prescribe the Aquaculture Authority Code for assessing all Aquaculture Authority applications, and ○ remove all references to Resource Allocation Authority for prescribed aquaculture; and • The Planning Regulation 2017 to: ○ update the date for the new version of the SDAP; and
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- remove detail for Accepted Development Requirements for prescribed aquaculture (as these are contained in documents prepared and held by the chief executive of the department).

The Aquaculture Authority Code sets the assessment benchmarks for aquaculture operational aspects of assessable aquaculture developments. The Aquaculture Authority Code has been developed to encapsulate all of the existing aquaculture operational aspects of the SDAP. While the SDAP will no longer contain the assessment benchmarks related to aquaculture operational aspects of assessable aquaculture development, the SDAP will persist as the assessment benchmark for Development Approvals and will only contain land-use and planning aspects. To remove any doubt, assessment benchmarks for prospective Aquaculture Authority proponents will not be changed but split between the SDAP and the Aquaculture Authority Code.

Subsequent amendments are required to be made to the Fisheries General Regulation 2019 (the Fisheries Regulation) and the Planning Regulation 2017 (the Planning Regulation) regarding the fee schedules to accompany the introduction of the Aquaculture Authority. The department proposes to amend:

- The Fisheries Regulation to introduce the fee schedule for the assessment of Aquaculture Authority applications; and
- The Planning Regulation to adjust fees to agreed upon units to reflect the proposed shared effort for aquaculture assessment halved between the Planning Act and the Fisheries Act.

Although new fees are being introduced into the Fisheries Regulation, the framework is equivalent to the current fee schedule that is prescribed in the Planning Regulation. The proposed fee schedule reflects the new assessment effort from both the Department of State Development, Infrastructure and Planning, and the Department that will be required for the respective approvals. The proposed fee schedule is a cost recovery model.

All current RAA for prescribed aquaculture holders will have their authorities transitioned to the Aquaculture Authority. The Department acknowledges small regulatory burden that may increase for new proponents wishing to undertake assessable aquaculture development through the requirement of two applications, assessed by two different departments. However, requiring a separate Aquaculture Authority and Development Approval will result in reduced fees and assessment burden over the life of the authority. The current fee for an applicant to apply to add, remove, or change a species permitted on their Development Approval is 1 714 fee units under the Planning Regulation, and requires the Department to act as technical agency for the assessment. The Aquaculture Authority will allow applicants to apply to add, remove, or change species on their authority at a cost reflective of assessment effort, resulting in a reduced fee when compared to the current framework. This change was driven from industry and the desire to make amendments to their authorities with a reduction in fees and assessment burden.

Further amendments are proposed to the Fisheries Regulation to permit the possession and use of commercial fishing apparatus if a person is carrying out

aquaculture. Such amendments will allow operators of aquaculture facilities to lawfully possess and use commercial fishing apparatus to harvest their aquaculture fisheries resources and therefore be operating in compliance with the Fisheries Act. Many aquaculture operators currently rely on the use of commercial fishing apparatus to harvest their aquaculture fisheries resources and have no alternative means to harvesting the aquaculture fisheries resource. This amendment is low risk.

Under the new framework, it is intended that an applicant for an assessable development of a material change of use for aquaculture will submit an application for a Development Approval under the Planning Act, and an application for an Aquaculture Authority under the Fisheries Act. Under the new model, the applicant must satisfy the application requirements for a Development Approval under the Planning Act and separately satisfy the application requirements for an Aquaculture Authority under the Fisheries Act. The two processes will be distinct and operate under two legislative frameworks, including timeframes, statutory notices, mandatory information and issuing of decisions.

For existing approvals, aquaculture operational conditions that were stipulated on the Development Approval will be transitioned on to the Aquaculture Authority.

*Refer to *The Queensland Government Better Regulation Policy* for regulatory proposals not requiring regulatory impact analysis (for example, public sector management, changes to existing criminal laws, taxation).

Signed



John Sosso

Director- General

Department of State Development, Infrastructure and Planning

Date: 13. 4. 2026



The Honourable Jarrod Bleijie MP

Deputy Premier,

Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Date: 13. 4. 26



Graeme Bolton

Director- General

Department of Primary Industries

Date: 10/04/2026



The Honourable Tony Perrett MP

Minister for Primary Industries

Date: 13/04/2026