



Regional Investment Corporation (Marine Recovery Loans) Rules 2026

We, Julie Collins, Minister for Agriculture, Fisheries and Forestry, and Katy Gallagher, Minister for Finance, make the following rules.

Dated 29 April 2026

Julie Collins
Minister for Agriculture, Fisheries and
Forestry

Katy Gallagher
Minister for Finance

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Part 1—Preliminary

1 Name

This instrument is the *Regional Investment Corporation (Marine Recovery Loans) Rules 2026*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|--|--|--------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 2 May 2026 |
| 2. Sections 5 to 21 | 6 May 2026. | 6 May 2026 |
| 3. Section 22 | The day after this instrument is registered. | 2 May 2026 |
| 4. Sections 23 and 24 | 6 May 2026. | 6 May 2026 |
| 5. Section 25 | The day after this instrument is registered. | 2 May 2026 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Regional Investment Corporation Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Board;
- (b) Corporation;
- (c) responsible Ministers.

In this instrument:

Act means the *Regional Investment Corporation Act 2018*.

Section 4

commercial debt means debt established on commercial terms, at commercial interest rates.

existing debt of a business has the meaning given by section 13.

fishing means the taking of aquatic organisms from waters.

marine harmful algal bloom or marine heatwave event means the marine harmful algal bloom that was first detected in March 2025 off the coast of South Australia.

maximum loan amount for a business has the meaning given by section 12.

permanent resident has the same meaning as in the *Australian Citizenship Act 2007*.

program means the Marine Recovery Loans Program prescribed by section 5.

total debt of a business has the meaning given by section 12.

Part 2—Marine Recovery Loans Program

Division 1—Prescribing Marine Recovery Loans Program

5 Marine Recovery Loans Program prescribed

- (1) For the purposes of paragraph 8(1)(g) of the Act, the Marine Recovery Loans Program is prescribed.

Purpose of program

- (2) The purpose of the program is for the Corporation to make concessional loans to aquaculture businesses and wild-catch fishing businesses that are in financial need of those loans, and are adversely affected by a marine harmful algal bloom or marine heatwave event, to assist those businesses to manage or recover from the effects of the event.

Scope of program

- (3) The program consists of the following:
 - (a) making loans under this instrument in accordance with Division 2;
 - (b) determining under Division 3 the terms and conditions on which those loans are made;
 - (c) taking security for those loans;
 - (d) charging applicants for those loans, and recipients of those loans, transaction costs incurred by the Corporation in relation to the program;
 - (e) collecting and dealing with payments of interest on, and repayments of principal of, those loans;
 - (f) managing those loans, and, if required, enforcing security taken for those loans or taking foreclosure action in relation to those loans;
 - (g) reviewing periodically those loans and the terms and conditions on which they are made;
 - (h) dealing with debts relating to those loans;
 - (i) reporting to the responsible Ministers on those loans in accordance with Division 6;
 - (j) other matters incidental to a matter in an earlier paragraph.

Note: See also Division 5 (about funding of loans).

6 Constitutional basis for program

For the purposes of paragraph 8(5)(a) of the Act, the program relies on the Commonwealth's legislative powers under paragraph 51(xxix) (external affairs) of the Constitution as it relates to giving effect to Australia's obligations under one or more of the following:

- (a) the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, as amended and in force for Australia from time to time;

Section 7

- (b) the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, as amended and in force for Australia from time to time;
- (c) the Paris Agreement done at Paris on 12 December 2015, as amended and in force for Australia from time to time.

Note 1: The United Nations Framework Convention on Climate Change is in Australian Treaty Series 1994 No. 2 ([1994] ATS 2) and could in 2026 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Note 2: The Kyoto Protocol is in Australian Treaty Series 2008 No. 2 ([2008] ATS 2) and could in 2026 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Note 3: The Paris Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2026 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

7 Additional operation of program

- (1) For the purposes of paragraph 8(5)(a) of the Act, and in addition to section 6 of this instrument, the program also has effect as provided by this section.

Constitutional trade and commerce

- (2) The program also has the effect it would have if a reference to aquaculture or wild-catch fishing activities in subsection 9(3) were expressly confined to aquaculture or wild-catch fishing activities undertaken in the course of:
 - (a) trade or commerce between Australia and places outside Australia; or
 - (b) trade or commerce among the States; or
 - (c) trade or commerce within a Territory, between a State and a Territory or between 2 Territories.

Corporations

- (3) The program also has the effect it would have if a reference to aquaculture or wild-catch fishing activities in subsection 9(3) were expressly confined to aquaculture or wild-catch fishing activities undertaken by a corporation to which paragraph 51(xx) of the Constitution applies.

Geographically external aspect of external affairs power

- (4) The program also has the effect it would have if a reference to aquaculture or wild-catch fishing activities in subsection 9(3) were expressly confined to aquaculture or wild-catch fishing activities undertaken beyond the limits of the States and Territories.

Fisheries

- (5) The program also has the effect it would have if a reference to aquaculture or wild-catch fishing activities in subsection 9(3) were expressly confined to aquaculture or wild-catch fishing activities undertaken in fisheries in Australian waters beyond territorial limits (within the meaning of paragraph 51(x) of the Constitution).

Territories

- (6) The program also has the effect it would have if a reference to aquaculture or wild-catch fishing activities in subsection 9(3) were expressly confined to aquaculture or wild-catch fishing activities undertaken in a Territory.

Section 8

Division 2—Making marine recovery loans

8 Making loans

The Corporation may make a loan under this instrument to a business if:

- (a) the business is eligible for the loan; and
- (b) the business makes an application in accordance with section 10.

9 Eligibility for loan

- (1) A business (the *affected business*) is eligible for a loan under this instrument if the requirements of this section are satisfied in relation to the business.

Nature of business

- (2) A requirement is that:
 - (a) the affected business is an aquaculture business or a wild-catch fishing business or both; and
 - (b) the aquaculture or wild-catch fishing activities or both of the affected business are authorised to be carried on by a licence, permission or right (however described) granted by the Commonwealth, a State or a Territory or an authority of the Commonwealth, a State or a Territory.

Business affected by marine harmful algal bloom or marine heatwave event

- (3) Another requirement is that the Corporation is satisfied that some or all of the aquaculture or wild-catch fishing activities of the affected business are adversely affected by a marine harmful algal bloom or marine heatwave event (whether or not those activities are carried on in, or using, waters affected by that event).
- (4) Another requirement is that the Corporation is satisfied that there has been a material reduction in the turnover of the affected business because of a marine harmful algal bloom or marine heatwave event.

Business requirement

- (5) Another requirement is that:
 - (a) the affected business is carried on by an entity that is:
 - (i) a sole trader; or
 - (ii) a partnership; or
 - (iii) a trust; or
 - (iv) a corporation (within the meaning of the *Corporations Act 2001*), other than a public company (within the meaning of that Act); and
 - (b) the entity carrying on the affected business is registered for tax purposes in Australia with an Australian Business Number (ABN) and registered under the *A New Tax System (Goods and Services Tax) Act 1999*; and
 - (c) the Corporation is satisfied that the sole trader, at least one of the partners in the partnership, at least one beneficiary of, or unit-holder in, the trust or at least one member of the corporation:
 - (i) is an Australian citizen or permanent resident; and

- (ii) has suitable experience in operating a business that is an aquaculture business or a wild-catch fishing business or both; and
- (iii) contributes or plans to contribute at least 75% of their labour to the affected business; and
- (iv) derives or plans to derive at least 50% of their income from the affected business; and
- (d) the entity carrying on the affected business is not subject to external administration or bankruptcy.

Financial requirements

- (6) Another requirement is that the Corporation is satisfied that:
 - (a) the affected business is financially viable or has sound prospects of a return to financial viability within 10 years; and
 - (b) the affected business has the capacity to repay the loan; and
 - (c) the affected business has provided sufficient security for the loan.
- (7) Another requirement is that the Corporation is satisfied that the affected business is in financial need of a concessional loan.

Debt requirement

- (8) Another requirement is that, at the time the application is made, the affected business:
 - (a) owes commercial debt; and
 - (b) has the support of each commercial lender to the proposed loan under this instrument.

10 Application for loan

- (1) A business may make an application for a loan under this instrument.
- (2) The application must:
 - (a) be in a form approved under subsection (3); and
 - (b) include the information (if any) required by the Corporation; and
 - (c) be accompanied by the documents (if any) required by the Corporation; and
 - (d) be made in the manner (if any) approved under subsection (4).
- (3) The Corporation must, in writing, approve a form for the purposes of paragraph (2)(a). The Corporation must publish the form on its website.
- (4) The Corporation may, in writing, approve a manner for the purposes of paragraph (2)(d). The Corporation must give details of the manner on its website.

11 Informing applicant of outcome of applications for loan

- (1) The Corporation must ensure that an applicant for a loan under this instrument is informed in writing of the outcome of the application as soon as practicable after a decision on the application is made.

Section 11

- (2) For a decision to refuse an applicant a loan, the Corporation must give the applicant written reasons for the refusal.

Division 3—Terms and conditions of loans

12 Maximum amount of loan

- (1) The Corporation must not make a loan under this instrument to a business that exceeds the maximum loan amount.
- (2) The **maximum loan amount** for a business is the lesser of the following:
 - (a) an amount that would result in the business holding 50% of its total debt in Commonwealth-funded concessional loans;
 - (b) \$250,000.
- (3) The **total debt** of a business is the sum of:
 - (a) the business's commercial debt; and
 - (b) the amount owing under each Commonwealth-funded concessional loan provided to the business.

13 Other terms and conditions of loan

- (1) In addition to section 12, a loan agreement in relation to a loan under this instrument to a business must provide for the loan to be made on terms and conditions that include the following:
 - (a) the term of the loan is 10 years;
 - (b) the loan is to be used to assist the business to manage or recover from the effects of the marine harmful algal bloom or marine heatwave event by doing one or more of the following:
 - (i) restructuring the existing debt of the business;
 - (ii) meeting the operating expenses of the business;
 - (iii) funding capital expenditure of the business;
 - (c) only interest is payable for the first 5 years of the loan;
 - (d) the business must pay interest and repay the principal over the final 5 years of the loan;
 - (e) the business being able to make a full or partial early repayment of the principal or interest (or both) at any time during the term of the loan without penalty;
 - (f) all outstanding amounts must be repaid at the end of the term of the loan.

Note: Part 2 of the *Regional Investment Corporation Operating Mandate Direction 2018* deals with the interest rates applying to loans under this instrument.

- (2) The Corporation may, by notice in writing given to the business, determine other terms and conditions on which the loan is made (including other terms and conditions relating to amortisation of the loan).

Definitions

- (3) The **existing debt** of a business is the sum of:
 - (a) the business's commercial debt; and
 - (b) the amount (if any) owing under each concessional loan that is funded by the Commonwealth, a State or a Territory.

Section 14

Division 4—Loan management

14 Mediation

The Corporation must:

- (a) offer to undertake mediation in respect of debts relating to loans under this instrument; and
- (b) undertake the mediation if the offer is accepted.

15 Waiver decisions

A decision to waive a debt relating to a loan under this instrument must be made by the Corporation (not a delegate of the Corporation):

- (a) with the agreement of the Board (not a delegate of the Board); and
- (b) after the Corporation (not a delegate of the Corporation) has consulted the responsible Ministers and taken their views into account.

16 Loan foreclosure decisions

A decision on foreclosure on a loan under this instrument must be made by the Corporation (not a delegate of the Corporation) with the agreement of the Board (not a delegate of the Board).

17 Charging of transaction costs

For the purposes of subparagraph 8(5)(b)(i) of the Act, the Corporation may charge applicants for loans under this instrument, and recipients of loans under this instrument, transaction costs incurred by the Corporation in relation to the program.

Division 5—Funding of loans

18 Funding of loans

- (1) Funds for the Corporation, to make loans under this instrument, are to be made out of money appropriated by the Parliament by an Act.

Note: The Act will usually be an Annual Appropriation Act.

- (2) The Commonwealth is to provide funds to the Corporation for loans under this instrument, upon the Corporation's request, to enable the Corporation to make loans to businesses under this instrument as required.

- (3) The Corporation must:

- (a) only request funds from the Commonwealth as the funds are required to make loans to businesses under this instrument; and
- (b) only use funds provided for loans under this instrument for that purpose.

19 Corporation to pay amounts collected to Commonwealth

The Corporation must pay the Commonwealth, as soon as reasonably practicable, all payments received by the Corporation, from recipients of loans under this instrument, that are payments of interest on, or repayments of principal of, those loans.

Note: For the payment of transaction costs in relation to the program, see section 17.

Section 20

Division 6—Involvement of responsible Ministers

20 Quarterly reporting to responsible Ministers

The Corporation must provide a report on loans under this instrument to the responsible Ministers as at the end of every March, June, September and December, including information regarding:

- (a) the uptake of those loans; and
- (b) details of the portfolio of those loans; and
- (c) financial performance information.

21 Directions by responsible Ministers

For the purposes of subparagraph 8(5)(b)(iii) of the Act, the responsible Ministers may give written directions to the Corporation in relation to the program (other than directions that direct, or have the effect of directing, the Corporation in relation to a particular loan under this instrument).

Part 3—Other functions relating to program

Division 1—Corporation functions

22 Preparing and publishing guidelines relating to program

For the purposes of paragraph 8(1)(h) of the Act, the Corporation has the functions of:

- (a) preparing written guidelines about the program, including guidelines about:
 - (i) the eligibility criteria for loans under this instrument; and
 - (ii) the types of security the Corporation may consider and require for loans under this instrument; and
 - (iii) the right to request review of decisions to make or refuse loans under this instrument and the process for requesting such reviews; and
 - (iv) loans that the Corporation considers to be Commonwealth-funded concessional loans; and
- (b) publishing the guidelines on the Corporation's website.

23 Provision of information and advice

For the purposes of paragraph 8(1)(h) of the Act, the Corporation has the functions of:

- (a) providing information about loans under this instrument to the responsible Ministers on request; and
- (b) advising the Commonwealth on matters that may improve the operation and policy outcomes of those loans.

Division 2—Board functions

24 Ensuring internal review of decisions about loans

For the purposes of paragraph 15(1)(e) of the Act, the Board has the function of ensuring that:

- (a) the Corporation develops and applies procedures for the review, on request, of any decision (the *original decision*) to make or refuse a loan under this instrument; and
- (b) those procedures:
 - (i) are transparent, robust and fair; and
 - (ii) provide for the review to be carried out, and a decision to be made on the review, by a person or persons who were not involved in making the original decision; and
 - (iii) are consistent with principles of procedural fairness.

25 Developing and applying loan management policies and procedures

- (1) For the purposes of paragraph 15(1)(e) of the Act, the Board has the functions of:
 - (a) ensuring that the Corporation develops policies and procedures described in subsection (2), taking into account the following matters:
 - (i) the concessional nature of loans under this instrument;
 - (ii) the effect on recipients of those loans of taking action in accordance with those policies and procedures; and
 - (b) ensuring that the Corporation applies those policies and procedures taking those matters into account.
- (2) Subsection (1) applies to policies and procedures for managing loans under this instrument in a prudential manner to minimise the risk of default, including policies and procedures for:
 - (a) arrears management; and
 - (b) recovery action; and
 - (c) foreclosure arrangements; and
 - (d) waiving debt after consulting the responsible Ministers; and
 - (e) writing off debt; and
 - (f) handling disputes and complaints.