



Queensland

Transport Infrastructure (Waterways Management) Regulation 2012

Explanatory Notes for SL 2012 No. 231

made under the

Transport Infrastructure Act 1994

General outline

Short title

Transport Infrastructure (Waterways Management) Regulation 2012.

Authorising law

Section 490 of the *Transport Infrastructure Act 1994*

Policy objectives and the reasons for them

The regulation will replace the *Transport Infrastructure (Gold Coast Waterways) Management Plan 2000* and *Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000* with a single regulation for the management of Queensland waterways.

The *Transport Infrastructure Act 1994*, Schedule 1, part 2 provides for the following matters for waterways management regulation:

- 1 regulating the mooring and anchoring of watercraft
- 2 regulating the types of water traffic that may use certain waters or certain marine infrastructure

3 regulating, when and for how long, watercraft may remain at a place or locality

4 regulating living on board watercraft

5 regulating recreational activities involving the use of waterways or watercraft, for example, private or commercial skiing, use of personal watercraft, diving, parasailing and sailing

6 nuisances caused by the use of watercraft or persons on board watercraft or by cargo or things associated with the use of watercraft or waterways infrastructure

7 the issue of directions by authorised persons

8 protection of public marine transport infrastructure and recovery of expenses incurred as a result of a contravention of a requirement of a regulation from a person contravening it.

This will support the government's commitment to re-establish the Gold Coast Waterways Authority. It is proposed that the re-established Gold Coast Waterways Authority will take on the existing Department of Transport and Main Roads waterways management responsibilities for Gold Coast waterways under the *Transport Infrastructure Act 1994*, as provided for in the *Gold Coast Waterways Authority Act 2012*.

Achievement of policy objectives

The regulation will enable both the Gold Coast Waterways Authority and the Department of Transport and Main Roads to utilise a combination of marine safety, marine pollution and waterways management legislation to ensure our waterways are safe, sustainable and efficiently managed, in line with community expectations and growth pressures.

The *Transport Infrastructure (Waterways Management) Regulation 2012* will support the re-establishment of the Gold Coast Waterways Authority and the management of on-water activities by regulating various activities that may be undertaken in watercraft in various locations, such as mooring and anchoring of watercraft, the length of time that watercraft may remain at a place or locality, and recreational activities involving the use of waterways or watercraft (for example, private or commercial skiing, use of personal watercraft, parasailing).

Consistency with policy objectives of authorising law

The amendments are consistent with the objectives of the *Transport Infrastructure Act 1994*, which for Chapter 15, Part 2 (Authorised persons for waterway management regulation) is to promote the overall effective and efficient use of waterways for transport by ensuring there are suitably qualified persons to implement, monitor and enforce compliance with a waterway management regulation.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The replacement of the *Transport Infrastructure (Gold Coast Waterways) Management Plan 2000* and *Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000* with a single regulation will reduce duplication and inconsistency and simplify administrative processes.

There are no appreciable costs associated with implementing this regulation.

This single, streamlined regulation will also provide the following benefits to industry, the community and the re-established Gold Coast Waterways Authority:

- It will provide a legislative platform that can be built upon over time to respond to future growth impacts and the need for localised waterways management.
- It will provide linkages with other marine legislation (that is, marine safety, marine pollution and marine parks) rather than duplicate government policy/legislation.
- It will provide greater coordination with local planning schemes (at a Local Government level) by providing a mechanism to manage on-water activities.
- It will support the re-establishment of a Gold Coast Waterways Authority by providing them powers under the *Transport Infrastructure Act 1994* to manage Gold Coast waterways through the *Transport Infrastructure (Waterways Management) Regulation 2012*.

Consistency with fundamental legislative principles

The Regulation has does not breach the fundamental legislative principles.

Consultation

Consultation has been undertaken across State Government, with key consultation undertaken with the Department of the Premier and Cabinet and Queensland Treasury and Trade. All government stakeholders agree with the proposed amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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