



Queensland

# Gold Coast Waterways Authority Regulation 2012

## Explanatory Notes for SL 2012 No. 232

made under the

*Gold Coast Waterways Authority Act 2012*

*Crime and Misconduct Act 2001*

*Industrial Relations Act 1999*

*State Penalties Enforcement Act 1999*

*Sustainable Planning Act 2009*

*Transport Operations (Marine Pollution) Act 1995*

*Transport Operations (Marine Safety) Act 1994*

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## General outline

### Short title

*Gold Coast Waterways Authority Regulation 2012.*

### Authorising law

Section 72 of the *Gold Coast Waterways Authority Act 2012*

Section 709 of the *Industrial Relations Act 1999*

Section 165 of the *State Penalties Enforcement Act 1999*

Section 763 of the *Sustainable Planning Act 2009*

Section 133 of the *Transport Operations (Marine Pollution) Act 1995*

Section 207 of the *Transport Operations (Marine Safety) Act 1994*

## **Policy objectives and the reasons for them**

The *Gold Coast Waterways Authority Regulation 2012* will contribute to the re-establishment of the Gold Coast Waterways Authority by making consequential subordinate amendments to support them *Gold Coast Waterways Authority Act 2012*.

The *Gold Coast Waterways Authority Regulation 2012* also supports the relocation of the existing marina levy from part 9, section 23 of the *Transport Infrastructure (Gold Coast Waterways) Management Plan 2000* to section 42 of the *Gold Coast Waterways Authority Act 2012*, as the Gold Coast Waterways Authority is now responsible for providing and maintaining the marine transport infrastructure to which the levy contributes. The regulation will prescribe the amount of the marina levy to be paid.

## **Achievement of policy objectives**

The *Gold Coast Waterways Authority Regulation 2012* achieves the policy objectives by:

- prescribing the amounts of the annual levy for marina operators payable, as required under section 42 of the Act;
- providing for Ministerial approval of the assets and liabilities register as required under section 78(2) of the Act;
- prescribing the State contracts that will be novated to the Gold Coast Waterways Authority, as required under section 80(1) of the Act;
- making consequential amendments to the:
  - *Industrial Relations Regulation 2011*;
  - *State Penalties Enforcement Regulation 2000*;
  - *Sustainable Planning Regulation 2009*;
  - *Transport Operations (Marine Pollution) Regulation 2008*;
  - *Transport Operations (Marine Safety) Regulation 2004*.

## **Consistency with policy objectives of authorising law**

The regulation is consistent with the policy objectives of the:

- *Gold Coast Waterways Authority Act 2012*
- *Industrial Relations Act 1999*
- *State Penalties Enforcement Act 1999*
- *Sustainable Planning Act 2009*
- *Transport Operations (Marine Pollution) Act 1994*
- *Transport Operations (Marine Safety) Act 1995*

### **Maritime Legislation**

#### *Gold Coast Waterways Authority Act 2012*

The main policy objective of the Gold Coast Waterways Authority Act 2012 is to deliver the best possible management of the Gold Coast waterways at a reasonable cost to the community and government, while keeping government regulation to a minimum.

- The other purposes of the *Gold Coast Waterways Authority Act 2012* are to: promote partnerships between government and the Gold Coast community to improve access and infrastructure for Gold Coast waterways;
- provide for localised decision making and control of Gold Coast waterways to ensure government programs are aligned with community needs and expectations;
- ensure the Gold Coast community is represented in determining the priorities for the delivery of navigational access and boating infrastructure projects and the development of waterways management policies and legislation; and
- promote the sustainable use and development of Gold Coast waterways for a range of maritime industries, tourism and recreational activities.

#### *Transport Operations (Marine Pollution) Act 1994*

The overall purpose of the *Transport Operations (Marine Pollution) Act 1994* is to protect Queensland's marine and coastal environment by minimising deliberate and negligent discharges of ship-sourced pollutants into coastal waters.

*Transport Operations (Marine Safety) Act 1995*

The overall primary objective of *Transport Operations (Marine Safety) Act 1995* is, consistent with the objectives of the *Transport Planning and Coordination Act 1994*, to provide a system that achieves an appropriate balance between—

- (a) regulating the maritime industry to ensure marine safety; and
  - (b) enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.
- (2) In particular, the objectives of this Act are—
- (a) to allow the Government to have a strategic overview of marine safety and related marine operational issues; and
  - (b) to establish a system under which—
    - (i) marine safety and related marine operational issues can be effectively planned and efficiently managed; and
    - (ii) influence can be exercised over marine safety and related marine operational issues in a way that contributes to overall transport efficiency; and
    - (iii) account is taken of the need to provide adequate levels of safety with an appropriate balance between safety and cost.
- (3) These objectives are to be achieved mainly by imposing general safety obligations to ensure seaworthiness and other aspects of marine safety, and allowing a general safety obligation to be discharged by complying with relevant standards or in other appropriate ways chosen by the person on whom the obligation is imposed.
- (4) In particular, a ship may be taken to sufficiently comply with the general safety obligation even though a certificate of survey has not been issued for the ship.
- (5) A further objective of this Act is to manage the operation and activities of ships.
- (6) The objectives of the Act, and how they are achieved, are further explained in part 3 (How to understand this Act).

## **Other Miscellaneous Legislation**

### *Industrial Relations Act 1999*

The principal object of this Act is to provide a framework for industrial relations that supports economic prosperity and social justice by—

- (a) providing for rights and responsibilities that ensure economic advancement and social justice for all employees and employers; and
- (b) providing for an effective and efficient economy, with strong economic growth, high employment, employment security, improved living standards, low inflation and national and international competitiveness; and
- (c) preventing and eliminating discrimination in employment; and
- (d) ensuring equal remuneration for men and women employees for work of equal or comparable value; and
- (e) helping balance work and family life; and
- (f) promoting the effective and efficient operation of enterprises and industries; and
- (g) ensuring wages and employment conditions provide fair standards in relation to living standards prevailing in the community; and
- (h) promoting participation in industrial relations by employees and employers; and
- (i) encouraging responsible representation of employees and employers by democratically run organisations and associations; and
- (j) promoting and facilitating the regulation of employment by awards and agreements; and
- (k) meeting the needs of emerging labour markets and work patterns; and
- (l) promoting and facilitating jobs growth, skills acquisition and vocational training through apprenticeships, traineeships and labour market programs; and
- (m) providing for effective, responsive and accessible support for negotiations and resolution of industrial disputes; and

- (n) assisting in giving effect to Australia's international obligations in relation to labour standards; and
- (o) promoting collective bargaining and establishing the primacy of collective agreements over individual agreements; and
- (p) ensuring that, when wages and employment conditions are determined by arbitration, the following are taken into account—
  - (i) for a matter involving the public sector—the financial position of the State and the relevant public sector entity, and the State's fiscal strategy;
  - (ii) for another matter—the employer's financial position.

*State Penalties Enforcement Act 1999*

The objects of this Act include—

- (a) maintaining the integrity of fines as a viable sentencing or punitive option for offenders; and
- (b) maintaining confidence in the justice system by enhancing the way fines and other money penalties may be enforced; and
- (c) reducing the cost to the State of enforcing fines and other money penalties.

*Sustainable Planning Act 2009*

The purpose of this Act is to seek to achieve ecological sustainability by—

- (a) managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes; and
- (b) managing the effects of development on the environment, including managing the use of premises; and
- (c) continuing the coordination and integration of planning at the local, regional and State levels.

**Inconsistency with policy objectives of other legislation**

The regulation is not inconsistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

There are no appreciable costs associated with implementing this regulation.

### **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles.

### **Consultation**

Consultation has been undertaken with relevant Queensland government departments, with key consultation undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade, Department of Environment and Heritage Protection, Department of State Development, Infrastructure and Planning and the Department of Justice and Attorney-General. All government stakeholders agree with the proposed amendments.

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#### ENDNOTES

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

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