

# Transport Infrastructure (Ports) (Port of Maryborough) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 13

made under the

*Transport Infrastructure Act 1994*

## General Outline

### Short title

*Transport Infrastructure (Ports) (Port of Maryborough) Amendment Regulation 2022*

### Authorising law

*Transport Infrastructure Act 1994*, sections 271(1) and 490(1).

### Policy objectives and the reasons for them

The policy objective of the *Transport Infrastructure (Ports) (Port of Maryborough) Amendment Regulation 2022* (Amendment Regulation) is to transfer the management of the Port of Maryborough from the North Queensland Bulk Ports Corporation Limited (NQBP) to the Gladstone Ports Corporation Limited (GPC).

The transfer will provide more efficient port administration as GPC is better placed to respond to critical incidents and community expectations given the close geographic proximity of GPC's existing ports and resources to the Port of Maryborough.

The *Transport and Other Legislation Amendment Regulation (No. 1) 2009* declared NQBP a port authority and transferred to it the management of the Ports of Abbott Point, Hay Point, Mackay and Weipa, which are large bulk commodity ports, and the Port of Maryborough.

Currently, no trade occurs at the Port of Maryborough, nor are there any port facilities or port infrastructure, and NQBP does not have any staff based there. The current responsibilities associated with the Port of Maryborough are limited to:

- being a referral agency for any developments occurring below the high-water mark within the port limits (schedule 10, part 13, division 3, table 1 of the *Planning Regulation 2017*);

- providing an oil pollution first-strike response, through an Oil Pollution First-Strike Response Deed between NQBP and the State of Queensland, acting through Maritime Safety Queensland;
- being the current contact for the port; and
- having reporting responsibilities for any incidents at the port.

Following strategic reviews by NQBP and GPC, both port authorities proposed to transfer responsibility and the management of the Port of Maryborough from NQBP to GPC. Maryborough is closer to GPC's existing Ports of Gladstone and Bundaberg than NQBP's nearest port (being the Port of Hay Point).

GPC is the port authority for the Ports of Bundaberg, Gladstone and Rockhampton, which are multi-commodity ports, with the Port of Gladstone being the largest.

GPC is experienced in managing the smaller regional Ports of Bundaberg and Rockhampton. The *Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004* formed the Central Queensland Ports Authority, merging the port authorities responsible for the Ports of Gladstone and Rockhampton; the *Government Owned Corporations Amendment Regulation (No. 1) 2008* changed the name to the current GPC; and the *Transport Infrastructure Legislation Amendment Regulation (No. 1) 2009* transferred management of the Port of Bundaberg to GPC.

As there are no current assets, contracts, liabilities or encumbrances associated with the Port of Maryborough, a regulation to transfer assets and liabilities under section 161 of the *Government Owned Corporations Act 1993* is not required.

## **Achievement of policy objectives**

The policy objectives are achieved by the Amendment Regulation, which enables the transfer of the management of the Port of Maryborough from NQBP to GPC on 1 March 2022 by amending the *Transport Infrastructure (Ports) Regulation 2016*, including updating schedule 1, which lists which ports each port authority is responsible for managing and is for information purposes.

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

The Amendment Regulation is consistent with the objectives of the *Transport Infrastructure Act 1994* (TIA), which for ports are 'to establish a regime under which a ports system is provided and can be managed within an overall strategic framework' (section 2(2)(e)).

There are 21 ports along the Queensland coast, with nineteen of those managed by four government-owned port corporations declared to be port authorities. Port authorities undertake a variety of functions and provide services. They are provided with powers to do so by chapter 8, part 3 of the TIA.

Section 271(1) of the TIA provides a regulation may transfer the management of a port from a port authority to another port authority. The Amendment Regulation enables the transfer of the management of the Port of Maryborough from NQBP to GPC.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with policy objectives of other legislation.

## **Benefits and costs of implementation**

The transfer will provide more efficient port administration, due to the closer geographic proximity of GPC's existing ports and resources than those of NQBP. GPC will undertake the limited responsibilities associated with managing the Port of Maryborough. Costs will be minimal and met within existing resources.

In addition, the transfer of management will align port management with the pilotage arrangements for Maryborough under the *Transport Operations (Marine Safety) Regulation 2016*, as ships wishing to enter the Port of Maryborough currently need to report to the Gladstone Regional Harbour Master's office.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

As the transfer is a purely administrative process, and due to the limited responsibilities associated with the Port of Maryborough, consultation only occurred within the public sector, including consulting with the Fraser Coast Regional Council. All stakeholders who were consulted support the transfer of management of the Port of Maryborough.

In accordance with the *Queensland Government Guide to Better Regulation*, the Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis based on category C – Regulatory proposals for the internal management of the public sector or statutory authority.