

Gold Coast Waterways Authority Regulation 2022

Explanatory notes for SL 2022 No. 136

made under the

Gold Coast Waterways Authority Act 2012

General Outline

Short title

Gold Coast Waterways Authority Regulation 2022

Authorising law

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

Policy objectives and the reasons for them

The policy objective of the *Gold Coast Waterways Authority Regulation 2022* is to prescribe a matter for the *Gold Coast Waterways Authority Act 2012* (the Act).

The Gold Coast has approximately 170km of navigable waterways. With 95 private and commercial marinas, the Gold Coast is a key hub for tourism and recreational boating in Australia. The Gold Coast Waterways Authority (the Authority) was established under the Act to ensure the effective and efficient management of water traffic, provision of public marine facilities and use of the Gold Coast waterways. The establishment of the Authority has also allowed for localised decision-making about the waterways. Important functions of the Authority include improving and maintaining navigational access to the Gold Coast waterways and developing and improving public marine facilities relating to the waterways. In line with this, the Authority undertakes works such as dredging and maintaining aids to navigation to ensure that navigational access to the Broadwater and surrounding Gold Coast waterways is maintained.

The *Gold Coast Waterways Authority Regulation 2012* (the 2012 Regulation) currently prescribes certain matters for the purposes of the Act. In accordance with Part 7 of the *Statutory Instruments Act 1992*, the 2012 Regulation will automatically expire on 1 September 2023.

The objective of the *Gold Coast Waterways Authority Regulation 2022* (the 2022 Regulation) is to remake relevant provisions from the 2012 Regulation.

Achievement of policy objectives

Section 42 of the Act provides that the owner of a marina must pay an annual levy to the Authority as a contribution towards providing and maintaining public marine facilities.

A *marina* is defined in section 42 to be a jetty, mooring, pontoon or berth, or a combination of them, that can be used to moor at least 3 watercraft. A *public marine facility* is defined in the *Transport Infrastructure Act 1994* as public marine transport infrastructure, such as boat harbours, breakwaters, jetties, landings, pontoons and land or waters associated with the infrastructure that are affected by its use.

Section 42(3) of the Act provides that the amount of the annual marina owner levy is the amount prescribed under a regulation.

The 2022 Regulation achieves the policy objective by continuing to prescribe the amount of the annual levy payable to the Authority. In particular, section 2 of the 2022 Regulation provides that the amount of the annual levy is worked out based on the number and length of berths at the marina. This reflects how the amount of the annual levy is worked out in the 2012 Regulation.

The 2012 Regulation contains provisions that facilitated the establishment of the Authority. These provisions allowed for the novation of State contracts and the transfer of assets to the Authority in 2012. These provisions no longer have any ongoing operational effect and, as such, have not been included in the 2022 Regulation.

Consistency with policy objectives of authorising law

The 2022 Regulation is consistent with the policy objectives of the *Gold Coast Waterways Authority Act 2012* including the objective of delivering the best possible management of the Gold Coast waterways at reasonable cost to the community and government, while keeping government regulation to a minimum.

Inconsistency with policy objectives of other legislation

The 2022 Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of making the 2022 Regulation is that the marina owner levy will continue to contribute towards the cost of providing and maintaining public marine facilities in Gold Coast waterways. This will assist the Authority in providing for the ongoing efficient and effective management of public marine transport infrastructure in Gold Coast waterways.

There are no costs to government associated with implementing the 2022 Regulation.

There is no additional cost to marina owners as the 2022 Regulation continues the existing annual levy under the 2012 Regulation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Consultation has been undertaken with the Authority and no concerns were raised. As there has been no change to the amount of the existing marina owner levy, no public consultation was undertaken. The Authority will advise marina owners that the 2022 Regulation will replace the 2012 Regulation and that the marina owner levy has been preserved in the 2022 Regulation.

The Office of Best Practice Regulation was consulted and noted that TMR had conducted a sunset review of the 2012 Regulation. The Office of Best Practice Regulation considered the sunset review and advised that it considers that the 2022 Regulation remains relevant, and that no further regulatory impact analysis was required under the Queensland Government Guide to Better Regulation.