

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (Human Rights Act), I, the Honourable Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Transport Infrastructure (Ports) (Port of Maryborough) Amendment Regulation 2022* (Amendment Regulation) made under the *Transport Infrastructure Act 1994* (TIA).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the Human Rights Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The TIA provides for a ports system managed within an overall strategic framework (section 2(2)(e)). 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 transfers the management of the Port of Maryborough from the North Queensland Bulk Ports Corporation Limited (NQBP) to the Gladstone Ports Corporation Limited (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.

The transfer was proposed following strategic reviews by NQBP and GPC. 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.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Divisions 2 and 3 of the *Human Rights Act 2019*)

Whilst port authorities are public entities and bound by the Human Rights Act, being required to act in a manner compatible with human rights, the transfer is a purely administrative process, and there are no human rights engaged by the Amendment Regulation to enable the transfer of the management of a port under section 271(1) of the TIA.

Conclusion

I consider that the Amendment Regulation is compatible with the Human Rights Act because it does not limit human rights.

The Honourable Mark Bailey MP
Minister for Transport and Main Roads

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