

Gold Coast Waterways Authority 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*, I, Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Gold Coast Waterways Authority Regulation 2022* (the 2022 Regulation) made under the *Gold Coast Waterways Authority Act 2012*.

In my opinion, the 2022 Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Gold Coast Waterways Authority (the Authority) was established under the *Gold Coast Waterways Authority Act 2012* (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.

The *Gold Coast Waterways Authority Regulation 2012* (the 2012 Regulation) prescribes the amount of the annual levy payable by marina owners under section 42 of the Act. The levy is payable to the Authority as a contribution towards the provision and maintenance of public marine facilities.

The 2012 Regulation also 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.

In accordance with Part 7 of the *Statutory Instruments Act 1992*, the 2012 Regulation will automatically expire on 1 September 2023.

It is proposed to replace the 2012 Regulation with the 2022 Regulation. The 2022 Regulation continues to prescribe the amount of the annual levy payable to the Authority by the owner of a marina. The amount in the 2022 Regulation is the same as in the 2012 Regulation.

The provisions that facilitated the establishment of the Authority no longer have any ongoing operational effect and are not included in the 2022 Regulation.

Human Rights Issues

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

The 2022 Regulation does not engage any human rights.

Conclusion

I consider that the 2022 Regulation is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

Honourable Mark Bailey MP
Minister for Transport and Main Roads

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