

Minister for Transport and Main Roads and Minister for Digital Services
Report for the Legislative Assembly regarding the exemption from expiry
of the *Transport Infrastructure (Waterways Management) Regulation*
2012

The following report is made pursuant to section 56A of the *Statutory Instruments Act 1992* (SI Act) which relevantly provides –

s 56A(4) Within 7 sittings days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating –

- (a) how the Act or provision is subject to review; and
- (b) if subsection (6)(a) applies -
 - (i) the extent to which the Act or provision is being reviewed; and
 - (ii) when the Minister expects the review to end.

s 56A(6) For this section, an Act or provision is subject to review if –

- (a) the Act or provision is being reviewed by any Minister; or
- (b) because of a review of an Act or provision by any Minister, a Bill for an Act to repeal or amend the Act or provision is being drafted or has been introduced into the Legislative Assembly; or
- (c) an Act repealing or amending the Act or provision has been enacted because of a review of an Act or provision by any Minister, but the repeal or amendment has not yet entirely commenced.

Exemption from Expiry

The *Transport Infrastructure (Waterways Management) Regulation 2012* (the Regulation) is made under the *Transport Infrastructure Act 1994* (the Act) and administered by the Minister for Transport and Main Roads and Minister for Digital Services (the Minister) through the Department of Transport and Main Roads (the Department).

The Regulation would have automatically expired on 31 August 2024 pursuant to section 54 of the SI Act. The recent *Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2024* extended the automatic expiry date of the Regulation for a period of one year to 31 August 2025, in accordance with section 56A(2) of the SI Act.

Review of the *Transport Infrastructure Act 1994*

The Act is currently being reviewed by the Minister and the Department, with a view to introducing enhanced and consistent authorised officer powers in a new framework that will allow greater operational flexibility across Queensland to better support each region's unique risks and challenges.

The Regulation currently provides the framework and enforcement measures for the administration and management of waterways and associated infrastructure, for the regulated waters of the Sunshine Coast and the Gold Coast. It also regulates waterway activities (for example, the mooring and anchoring of watercraft) in regulated waterways, as well as the enforcement processes undertaken by authorised persons when a breach occurs.

The proposed reforms to the Act are expected to have consequential implications for the authorised persons provisions in the Regulation.

It is expected that development of the new framework and resulting legislative amendments will be finalised in 2025.