

# Sunshine Coast Waterways Authority Bill 2026

## Explanatory Notes

### Short title

The short title of the Bill is the Sunshine Coast Waterways Authority Bill 2026 (the Bill).

### Policy objectives and the reasons for them

The principal objective of the Bill is to establish the Sunshine Coast Waterways Authority (SCWA/the authority) to strategically plan for and facilitate the sustainable use, management, and development of, Sunshine Coast waterways.

The waterways of the Sunshine Coast are vital to the State's lifestyle, economy, and environmental health. In these waterways, locals and tourists enjoy cultural and aquatic leisure activities, including boating, fishing, and watersports. Maritime Safety Queensland (MSQ) within the Department of Transport and Main Roads (TMR) administers marine transport legislation for these waters, but there is no single agency, organisation or body that represents or manages the full range of community, industry and tourism interests associated with the Sunshine Coast's waterways.

The Sunshine Coast community has raised concerns about piecemeal management of waterways by different councils and State government agencies. Particular concerns were raised about management of the Bribie Island breakthrough, a new entrance to Pumicestone Channel (commonly known as Pumicestone Passage) near the northern tip of Bribie Island, which was cut by waves in 2022. Community representatives have emphasised the importance of sustainable use of waterways, local involvement in decisions, transparency of decisions, and ensuring certainty for marine industries and tourism in the region.

The establishment of the SCWA represents the Queensland Government's commitment to improving and promoting the sustainable use of the Sunshine Coast region's waterways, while enabling greater local input into their management. This will support improved coordination and engagement, delivering a more holistic approach to waterways management for the community and industry sectors that rely on the waterways.

Role clarity is an important consideration in the establishment of the SCWA, with its functions and powers to be clear and distinct from MSQ's regulatory functions and powers. For this reason, the SCWA's functions and powers are focused on planning and facilitating management, use and development of the waterways, ensuring the responsibilities of the SCWA, compared to MSQ, are clear.

### Achievement of policy objectives

The Bill achieves its policy objectives by establishing the SCWA as a statutory body overseen by

a board, with a chief executive officer (CEO) and other staff to deliver its functions. The authority will operate independently but will represent the State and perform functions and exercise powers assigned by its establishing legislation and conferred by other Acts. As a statutory body, the SCWA will have responsibilities under the *Statutory Bodies Financial Arrangements Act 1982*, the *Financial Accountability Act 2009*, the *Crime and Corruption Act 2001*, the *Right to Information Act 2009*, the *Information Privacy Act 2009*, and the *Human Rights Act 2019*.

To achieve the policy objectives for the Sunshine Coast waterways, the Bill sets out the functions of the SCWA and its board.

The key functions of the SCWA will include:

- planning strategically for the management of the Sunshine Coast waterways by developing a waterways management strategy and program that considers the benefits and impacts for the local community, local environment, and local marine industries, tourism and economy
- installing, managing and maintaining infrastructure for the Sunshine Coast waterways
- managing navigational access to, and within, the Sunshine Coast waterways
- monitoring and managing sand and sediment movement in Sunshine Coast waterways and adjacent coastal waters and land, and
- performing additional functions given to the SCWA under an Act.

The functions related to navigational access and monitoring and managing sand and sediment movement do not operate to the exclusion of similar activities currently carried out by local governments. As a matter of policy, State government currently focuses its dredging operations on maintaining access to public marine facilities (including boat harbours) and ports.

The key function of the SCWA board, as set out in the Bill, is to ensure the authority performs its functions in a proper, effective and efficient manner.

The Bill provides for role clarity by ensuring regulatory powers of the chief executive (TMR) under the *Transport Infrastructure Act 1994* (TIA) and those of the general manager (MSQ) under the *Transport Operations (Marine Pollution) Act 1995* (TOMPA) and the *Transport Operations (Marine Safety) Act 1994* (TOMSA) continue to apply in the Sunshine Coast waterways.

## **Alternative ways of achieving policy objectives**

Legislation is required to establish the SCWA as a statutory body with appropriate functions and powers and to enable appointment of board members and a CEO, and employment of other staff. Alternative organisational forms, such as an office within a department, would not achieve the same organisational capability, independence and ability to facilitate essential public participation and consultation tailored to the needs of the Sunshine Coast's waterways.

The statutory body model provides for the appointment of an independent board with appropriate expertise, to drive quality performance and governance. It also enables a greater focus on the objectives, functions and long-term organisational goals rather than as part of a broader department's strategic or operational plan.

## **Estimated cost for government implementation**

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An approved government funding allocation of \$35.6 million over three years is expected to cover establishment costs and core operations of the SCWA for the period of the funding commitment.

## **Consistency with fundamental legislative principles**

The Bill has been drafted with regard to, and is generally consistent with, the fundamental legislative principles under the *Legislative Standards Act 1992* (LS Act). Potential breaches of fundamental legislative principles are addressed below.

### *Delegation of administrative powers (clause 67)*

Section 4(3)(c) of the LS Act states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons.

The Bill provides that the SCWA may delegate its functions (other than a Part 3 function) under the Act to a appointed member of the SCWA board, the CEO, or an appropriately qualified person and that the CEO's functions may be delegated to an appropriately qualified staff member.

The delegation of the SCWA's functions to a board member is considered appropriate because an appointed board member must have particular skills or experience relevant to achieving the purpose of the Act, including for example in - finance, governance, public service entity management, marine science, development, engineering, environmental management, marine business, or stakeholder representation. Delegation of the SCWA's functions to the CEO is considered appropriate because the CEO is to be appointed by the Governor in Council on the recommendation of the Minister following the Minister's consultation with the board, and the CEO is accountable to the board.

Delegation of functions to an appropriately qualified person (by the SCWA) or employee (by the CEO) is appropriate because it enables the delegator to ensure the delegate has the necessary qualifications to perform the function being delegated. Additionally, the CEO will be responsible for employing SCWA staff, under the *Public Sector Act 2022*, ensuring an assessment of a person's qualifications can occur through a formal employment process.

Section 27A(10A) of the *Acts Interpretation Act 1954* further provides that the delegation of a function or power does not relieve the delegator of the delegator's obligation to ensure that the function or power is properly performed or exercised.

For these reasons, the delegation of functions of the SCWA and the CEO, as provided for in this Bill, is considered appropriate and justifiable.

### *Criminal history reports (clauses 61 to 63)*

The Bill enables the Minister to request a written police report to decide if a person is disqualified from becoming, or continuing as, an appointed member of the board or the CEO of the SCWA. The power to obtain a person's criminal history (including information about the

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circumstances of a conviction mentioned in the criminal history) requires consideration of the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals (LS Act, section 4(2)(a)). Any potential breach of this principle is considered justifiable because the ability for the Minister to obtain criminal history information is necessary to ensure a person's suitability and appropriateness for appointments, which is important for the integrity of the SCWA.

The Bill also includes the following safeguards to protect an individual's criminal history information:

- The Minister may make the request for criminal history only if the person has given the Minister written consent for the request.
- It is an offence (attracting a maximum of 100 penalty units) to use or disclose the criminal history information other than as permitted under the Act.
- A report about a person's criminal history and a notice about a conviction must be destroyed as soon as practicable once no longer required, despite the *Public Records Act 2023*.

### Offences

Legislation should have sufficient regard to the rights and liberties of individuals (LSA, section 4(2)(a)). As such, any new offence should be appropriate and reasonable in light of the conduct that constitutes the offence.

*Failure to disclose particular matters or giving false or misleading statement about disqualification, criminal history or conflict of interest (clauses 26, 30, 38, 43, 48, 49, and 62)*

The Bill sets out certain matters that would disqualify a person from becoming, or continuing as, a member of the board or the CEO.

The Bill further provides that an appointed member of the board or the CEO must give notice if they have become disqualified or if they have been convicted of an indictable offence or have a conflict of interest. The notice must be given to the Minister or to the board if disclosing a conflict of interest for a matter to be considered by the board. The maximum penalty for failing to disclose these matters as required is 100 penalty units. Giving a false or misleading statement to the Minister about these matters when being considered for appointment as a board member or CEO attracts a maximum penalty of 100 penalty units. A penalty of 100 penalty units also applies for the offence of a board member participating in consideration of a matter for which they have disclosed a conflict of interest.

The obligation for persons to give notice if they are disqualified, convicted of an indictable offence, or have a conflict of interest, reinforces the expectation that board members and the CEO are to behave ethically and legally. It ensures the Minister is aware of matters that may impact the actual or perceived integrity of the authority and provides for public confidence in their integrity. Imposing such an obligation is reasonable and there is a strong public interest in ensuring appropriate oversight and accountability of a person who seeks appointment or is appointed as a board member or the CEO.

Similar offences are included across much of Queensland's legislation, such as the *Queensland Academy of Sports Act 2022*, the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* and the *Health and Wellbeing Queensland Act 2019*.

## **Consultation**

Public consultation has not been undertaken, given the matter primarily involves the internal management of government.

External engagement has been limited to high level discussions with key stakeholders including local government, the Boating Industry Association, and local Members of Parliament.

## **Consistency with legislation of other jurisdictions**

The Bill is specific to the State of Queensland and is not uniform with, or complementary to, legislation of the Commonwealth or another State. There are numerous legislative instruments in Queensland that establish statutory bodies. Board and CEO provisions in the Bill are broadly modelled off existing Queensland legislation for statutory bodies. The authority will be required to comply with all relevant Queensland legislative frameworks.

Because the SCWA is being established for specific purposes unique to the waterways it will be responsible for, the functions of the authority set out in the Bill are deliberately bespoke.

# Notes on provisions

## Part 1 Preliminary

*Clause 1* states that when enacted, the Bill will be cited as the *Sunshine Coast Waterways Authority Act 2026* (the Act).

*Clause 2* provides that the Act commences on a date to be fixed by proclamation.

*Clause 3* states that the main purpose of the Act is to establish the SCWA to strategically plan for and facilitate the sustainable use, management and development of Sunshine Coast waterways.

*Clause 4* states that the Act does not affect the operation of the Acts named, which apply to aspects of marine operations, protection and infrastructure. This clause confirms that there is no intention to limit the application of the named Acts.

*Clause 5* states that the Act binds all persons, including the State, but that the State cannot be prosecuted for an offence against this Act.

*Clause 6* provides that terms used in the Act are defined in Schedule 1.

*Clause 7* states that ***Sunshine Coast waterways*** means the following waterways below high water mark:

- Castaways Creek, Lake Cooroibah, Lake Cootharaba, Cornmeal Creek, Currimundi Creek, Lake Doonella, Keyser Channel, the Maroochy River, the Mooloolah River, Stumer Creek, Tooway Creek, Lake Weyba, and Weyba Creek
- waterways adjoining the above waterways
- Pumicestone Channel, and adjoining waterways, north of latitude 27°06' south on the mainland and South Point on Bribie Island
- the Noosa River, and adjoining waterways, within the Noosa Shire Council local government area.

## Part 2 Sunshine Coast Waterways Authority

### Division 1 Establishment

*Clause 8* establishes the SCWA.

*Clause 9* provides that the SCWA is a body corporate, with perpetual succession and a seal, and may sue and be sued in its corporate name.

*Clause 10* provides that the SCWA represents the State and has the status, privileges and immunity of the State.

*Clause 11* states that the SCWA is a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982* and a unit of public administration under the *Crime and Corruption Act 2001*.

## **Division 2 Functions and powers**

*Clause 12* sets out the functions of the SCWA, which include:

- planning strategically for the management of the Sunshine Coast waterways by developing a waterways management strategy and program
- installing, managing and maintaining infrastructure for the Sunshine Coast waterways
- managing navigational access to, and within, the Sunshine Coast waterways
- monitoring and managing sand and sediment movement in Sunshine Coast waterways and adjacent coastal waters and land
- performing additional functions given to the SCWA under this Act or another Act.

*Clause 13* sets out the powers of the SCWA including those of an individual for property dealings and holdings, business arrangements and engagements, taking any actions necessary to perform its functions, as well as powers given to the SCWA under this Act or another Act.

## **Part 3 Waterways management strategy and waterways management program**

### **Division 1 Waterways management strategy**

*Clause 14* provides that the purpose of a waterways management strategy (strategy) is to establish a clear direction, and identify the needs and priorities, for the sustainable use, management and development of the Sunshine Coast waterways over a 10-year period, having regard to benefits and impacts for local marine industries, the local community, tourism, the local environment and the economy.

*Clause 15* provides that the SCWA must, from time to time, develop a strategy and submit it for the Minister's approval. Once the strategy is submitted, the Minister must either approve it or direct the SCWA to make amendments to it. This provision also requires that, in developing the strategy, the SCWA must have regard to the Act's purpose, must consult with MSQ, the Moreton Bay City Council (MBCC), the Noosa Shire Council (NSC) and the Sunshine Coast Regional Council (SCRC), and must take reasonable steps to consult with the public. This clause also provides that the strategy must have regard to any agreement or arrangement between the State and MBCC, NSC or SCRC about navigational access to, marine infrastructure for, or management of, the Sunshine Coast waterways.

*Clause 16* provides that the strategy must include specific objectives to be achieved, proposals for achieving the objectives, investment criteria for deciding priorities, options for financing delivery of the priorities, and performance indicators for measuring achievement of the objectives.

*Clause 17* provides that the Minister must table a copy of a strategy (or an amendment to a strategy) in the Legislative Assembly within 5 sitting days after approving it.

### **Division 2 Waterways management program**

*Clause 18* states that a waterways management program (program) is a program for implementing the waterways management strategy for the financial year and the following 3 financial years. This clause provides that the SCWA must develop a program before the start of each financial year and the program must include details of projects and activities to

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implement the strategy, consultation steps to be undertaken, policies and financial measures for implementing the strategy, performance targets, and other matters directed by the Minister.

*Clause 19* provides that, in developing the program, the SCWA must take reasonable steps to consult with MSQ, MBCC, NSC, SCRC, and the public.

*Clause 20* provides that the SCWA must submit a program for the Minister's approval before the start of each financial year, and the Minister must either approve it or direct the SCWA to make amendments to it. The SCWA must publish an approved program on its website.

*Clause 21* provides that the program must be consistent with the strategy for the period the program covers. However, the Minister may direct the SCWA to amend a program in a way that is inconsistent with the strategy and must table a copy of any such direction in the Legislative Assembly within 5 sitting days after it is given.

## **Part 4 Sunshine Coast Waterways Authority Board**

### **Division 1 Establishment, functions and powers**

*Clause 22* establishes the board as the governing body of the SCWA.

*Clause 23* states that the functions of the board are to ensure the authority performs its functions in a proper, effective and efficient manner, and to perform any other function given to it under this Act or another Act.

*Clause 24* provides that the board has the powers to do anything necessary or convenient for the performance of its functions. It further provides that anything done by the board for, or in the name of, the SCWA, is taken to have been done by the SCWA.

### **Division 2 Composition**

*Clause 25* states that the board consists of seven appointed members, being a chairperson and six other persons. Appointed members are to be appointed by the Governor in Council on the recommendation of the Minister.

*Clause 26* provides that the Minister may ask a person being considered for appointment as a board member for a statement about their disqualification status and any conflict of interest for themselves or close relatives. This clause includes a penalty of up to 100 penalty units for providing a false or misleading statement.

*Clause 27* provides that the Minister may recommend a person for appointment as a board member only if satisfied that they are not disqualified from appointment under section 33 and that they are appropriately qualified in at least one of the following areas:

- accounting
- corporate governance
- finance
- management of entities delivering public services
- commercial and marketing development
- maritime business

- environmental management
- marine science
- marine, coastal or waterways planning
- marine, coastal, waterways or infrastructure engineering
- the representation of the interests of stakeholders in Sunshine Coast waterways including, for example, native title holders, industry, recreational waterway users, tourism operators and interested groups
- another area the Minister considers relevant to achieving the purpose of this Act.

*Clause 28* provides that the term of office for an appointed member must be stated in their instrument of appointment and must not exceed 4 years. They may be reappointed, however the total duration for which they hold office, including reappointments, must not exceed 8 years.

*Clause 29* provides that appointed members are to be paid remuneration and allowances decided by the Governor in Council and that the terms and conditions on which a member holds office are decided by Governor in Council where not provided for by this Act.

*Clause 30* provides that an appointed member who becomes disqualified, other than by conviction, must give immediate written notice to the Minister of the circumstances forming the grounds of disqualification. This clause includes a penalty of up to 100 penalty units for failing to give the notice as required unless a reasonable excuse applies. Notice about a conviction is under a separate clause.

*Clause 31* provides that the Minister may suspend an appointed member from office if the Minister considers it necessary in the public interest to do so while a matter concerning the member is further considered. The clause provides that the suspension period can be up to 60 days and may be further extended if the Minister considers it necessary in the circumstances. A suspension (and an extension to a suspension) is effected by written notice from the Minister to the member. The Minister must also give written notice to the member if ending their suspension.

*Clause 32* states that the office of an appointed member becomes vacant if the member completes a term of office (unless reappointed), resigns by signed notice given to the Minister, is disqualified from continuing as an appointed member, or is removed from office.

*Clause 33* sets out the grounds for disqualification from becoming or continuing as an appointed member. These include insolvency, disqualification under the Corporations Act, being party to or connected with particular SCWA contracts, holding particular office in government, having an unspent conviction for an indictable offence, or not consenting to a criminal history check.

### **Division 3 Board meetings**

*Clause 34* provides that the board may conduct its business including its meetings, in the way it considers appropriate, subject to this Division. This provision enables matters for the conduct of board business to be set out in an administrative (e.g. charter) document or another manner determined by the board. This could include, for example, matters such as observers or guest attendance at board meetings.

*Clause 35* provides that the chairperson may convene a board meeting as they consider appropriate, however they must call a board meeting at least once in each quarter; and if asked in writing to do so by at least 2 members. This clause states that board meetings may be held, or participated in, using any technology allowing reasonably contemporaneous and continuous communication between participatory members. A member who participates in a board meeting using such technology is taken to be present at the meeting.

*Clause 36* states that a quorum for a board meeting is more than half of the members of the board at the time the meeting is held.

*Clause 37* provides that the chairperson must preside at all board meetings at which they are present. It further provides that if the chairperson is absent, the meeting is to be presided over by the member chosen by the chairperson or otherwise by the member chosen by the members present.

*Clause 38* provides for disclosure of a conflict of interest by appointed members. It requires that if a member, or a close relative of a member, has an interest that conflicts or may conflict with the proper performance of the member's functions, the member must disclose the interest as soon as practicable. If the matter is being considered or is about to be considered by the board, the member must disclose the conflict to the board and must not participate in the board's consideration of the matter. For other matters, the member must disclose the conflict to the Minister. A penalty of up to 100 penalty units applies for a failure to disclose a conflict under this provision. A penalty of up to 100 penalty units also applies for participating in the board's consideration of a matter for which a conflict has been disclosed.

*Clause 39* provides that a question at a board meeting is decided by a majority of the votes of the members present at the meeting, or, if the votes are equal, the presiding member has a casting vote.

*Clause 40* provides that decisions outside of meetings must only be made with written agreement of a majority of members.

*Clause 41* provides that the board must keep minutes of board meetings and records of decisions made outside of meetings.

## **Division 4 Committees**

*Clause 42* provides that the board may establish committees to assist in the performance of its functions and to decide membership of the committees and that a committee may conduct its proceedings, including its meetings, as it considers appropriate, subject to the directions of the board.

## **Part 5 Staff**

### **Division 1 Chief executive officer**

*Clause 43* provides that the Minister may ask a person being considered for appointment as the CEO for a written statement about their disqualification status and actual or potential conflicts of interest. This clause includes a penalty of up to 100 penalty units for providing a false or misleading statement.

*Clause 44* provides that there must be a CEO of the SCWA, that the CEO is accountable to the board, and is responsible for the day-to-day administration of the SCWA's operations in accordance with the priorities set by the board. The CEO is appointed, under this Act (not under the *Public Sector Act 2022*) by the Governor in Council on the recommendation of the Minister. The Minister may only recommend a person for appointment as the CEO if the person is not disqualified from becoming the CEO and the Minister has consulted the board about the appointment. The CEO has the power to do all things necessary or convenient to be done for the performance of their functions.

*Clause 45* provides that the CEO's term of appointment must be stated in their instrument of appointment and must not exceed 5 years. It further provides that a CEO may be reappointed. Unlike board members, there is no limit to a CEO's total duration in office.

*Clause 46* provides that the CEO is to be paid the remuneration and allowances decided by the Governor in Council and that the terms and conditions on which the CEO holds office are decided by Governor in Council where not provided for by this Act or stated in the instrument of appointment.

*Clause 47* provides that if a public service officer is appointed as CEO, the person keeps all rights accrued or accruing to them as a public service officer as if service as the CEO were a continuation of service as a public service officer. At the end of the term of office or resignation as the CEO, the person's service as the CEO is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

*Clause 48* provides for disclosure of a conflict of interest by the CEO. It requires that if the CEO, or a close relative of the CEO, has an interest that conflicts or may conflict with the proper performance of the CEO's functions, the CEO must disclose the interest as soon as practicable. If the matter is being (or to be) considered by the board, the CEO must disclose the conflict to the board. For other matters, the CEO must disclose the conflict to the Minister. A penalty of up to 100 penalty units applies for a failure to disclose a conflict under this provision.

*Clause 49* provides that a CEO who becomes disqualified from being CEO under this Act, other than for a conviction, must give immediate written notice to the Minister of the circumstances forming the grounds of disqualification. This clause includes a penalty of up to 100 penalty units for failing to give the notice as required unless a reasonable excuse applies. Notice about a conviction is dealt with under a separate clause.

*Clause 50* provides that the office of CEO becomes vacant if they complete a term of office without reappointment, if they are disqualified from continuing as CEO, if they resign by written notice, or if they are removed from office.

*Clause 51* sets out the grounds for disqualification from becoming or continuing as CEO. These include insolvency, disqualification under the Corporations Act, being party to or connected with particular SCWA contracts, holding particular office in government, having an unspent conviction for an indictable offence, or not consenting to a criminal history check.

*Clause 52* provides that the CEO may resign from office by signed notice given to the board. The resignation takes effect on the day the notice is given or a later day stated in the notice. The board must immediately give the Minister written notice of the resignation.

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*Clause 53* provides for the Minister to appoint, by signed notice and only after consultation with the board, an acting CEO if there is a vacancy in the office of the CEO, or if the CEO is absent from duty or cannot perform the duties of the office.

## **Division 2 Other staff**

*Clause 54* provides that the SCWA may employ staff, other than the CEO, it considers necessary to perform its functions, and that those staff are employed under the *Public Sector Act 2022*.

## **Part 6 Ministerial directions, reporting and information**

*Clause 55* provides that the Minister, if satisfied it is reasonably necessary, may give the SCWA a written direction about a matter relevant to the performance of its functions or the exercise of its powers. The direction may be about giving information or a report to the Minister, submitting a document for the Minister's approval, or another matter. The clause provides that the SCWA must comply with the direction.

*Clause 56* provides that the SCWA must give the Minister a report, within 6 weeks (or another agreed period) of the end of each quarter, about the performance of its functions. A quarterly report includes, but is not limited to, the following matters:

- the progress of projects and activities undertaken to implement the strategy
- other waterways management activities
- revenue and expenditure for the SCWA.

*Clause 57* provides that the annual report required under section 63 of the *Financial Accountability Act 2009* must include the following matters:

- a copy of any Ministerial direction given in the year
- the details of projects undertaken to implement the strategy
- a statement about how the SCWA performed its functions during the year
- any other matter prescribed by regulation.

*Clause 58* provides that the SCWA may enter into information-sharing arrangements to share or exchange information with the following relevant agencies:

- the chief executive for the *Fisheries Act 1994*
- the chief executive for the *Transport Infrastructure Act 1994*
- the general manager of MSQ
- the police commissioner
- an entity prescribed by regulation.

An information-sharing arrangement under this provision may only relate to information that will assist the SCWA or the relevant agency to perform its functions. It authorises the information sharing despite another Act or law.

## **Part 7 Financial provisions**

*Clause 59* provides that the SCWA must pay amounts received under this or another Act into the consolidated fund, however, an amount received or recovered by the SCWA as the manager of a public marine facility under TIA may be retained by the SCWA and not paid into the consolidated fund. This is consistent with how TIA section 480(8) treats disposal of amounts received or recovered by managers of public marine facilities.

*Clause 60* provides that the SCWA is not liable to pay royalties or similar charges for extractive material removed under this Act if the material is disposed of in an area approved by the Minister and under environmental controls for extractive material under an Act. The effect of this clause is to contrast with section 102 of the *Coastal Protection and Management Act 1995* which provides that, for quarry material removed under an allocation notice, royalties are payable to the State.

## **Part 8 Miscellaneous provisions**

### **Division 1 Criminal history**

*Clause 61* provides that the Minister may require a written police report to decide if a person is disqualified from becoming, or continuing as, an appointed member of the board or the CEO. The request for criminal history may only be made if the person has given the Minister written consent for the request.

*Clause 62* requires an appointed member or the CEO who is convicted of an indictable offence during their term of office to immediately disclose details of the conviction by written notice given to the Minister. This clause includes a penalty of up to 100 penalty units for failing to give the notice as required unless a reasonable excuse applies.

*Clause 63* provides for protection of the confidentiality of a person's criminal history information. It limits the purpose for which criminal history information may be used or disclosed and includes a penalty of up to 100 penalty units for unlawful use or disclosure. This clause also requires persons who possess a police report or notice of conviction to ensure the report or notice is destroyed as soon as practicable after it is no longer needed for its purpose, despite the *Public Records Act 2023*.

### **Division 2 Transfer notices**

*Clause 64* provides the definitions for Division 2 of Part 8.

*Clause 65* provides that the Minister may transfer, grant, extinguish or vary particular assets, rights, interests, and liabilities by gazette notice (a transfer notice), for the purpose of establishing the SCWA. The clause provides that a transfer notice takes effect on publication or a later time stated in the transfer notice and has effect despite another law or instrument. It also provides for matters considered inappropriate for inclusion in a transfer notice to be stated in another document signed by the Minister, referred to in the transfer notice, and kept available for inspection by affected persons.

*Clause 66* sets out how a transfer notice is taken to apply where the application of an instrument

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is being transferred from one entity to another.

### **Division 3 Other provisions**

*Clause 67* provides for the delegation of functions and powers of the SCWA and the CEO. The SCWA may delegate to a board member, the CEO or an appropriately qualified person, and the CEO may delegate to an appropriately qualified SCWA staff member.

*Clause 68* provides that the Minister must review the operation of the authority every three years. The review is about the SCWA's performance of its functions and whether the functions remain appropriate for giving effect to the purpose of this Act.

*Clause 69* provides for the Governor in Council to make regulations under the Act.

## **Part 9 Transitional provisions**

*Clause 70* provides that the requirement to submit a waterways management program before the start of the financial year does not apply for the financial year starting on 1 July 2026.

*Clause 71* provides that the requirement for the Minister to consult the board about a prospective CEO appointment does not apply if board members have not yet been appointed by the Governor in Council. This means the initial CEO appointment will not require board consultation if the CEO appointment is recommended before the board is appointed.

*Clause 72* provides for coverage of staff by the core agreement (the *State Government Entities Certified Agreement 2023*) or its replacement agreement or arbitration determination until a relevant certified agreement or arbitration determination starts operating under the *Industrial Relations Act 2016*.

## **Part 10 Amendment of legislation**

### **Division 1 Amendment of this Act**

*Clause 73* provides that Division 1 of Part 10 amends this Act.

*Clause 74* provides for the amendment of the long title of the Act.

### **Division 2 Amendment of *Public Sector Act 2022***

*Clause 75* provides that Division 2 of Part 10 amends the *Public Sector Act 2022*.

*Clause 76* inserts the SCWA into column one and the CEO into column two of Schedule 1 (Public service entities under section 9(b)) of the *Public Sector Act 2022*.

### **Division 3 Amendment of *Transport Infrastructure Act 1994***

*Clause 77* provides that Division 3 of Part 10 amends the TIA.

*Clause 78* amends TIA section 461 to provide that the chief executive is not the default manager

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for public marine facilities in, or on land adjacent to, Sunshine Coast waters.

*Clause 79* inserts new section 461B (Management by Sunshine Coast Waterways Authority), which provides that the SCWA is the default manager for a public marine facility in, or on land adjacent to, a Sunshine Coast waterway.

*Clause 80* amends TIA section 464 (Management by another person) to provide that if the manager of a public marine facility is not the chief executive, a waterways authority (GCWA or SCWA), a local government, or a port authority, the manager's management powers include any power, conferred under a regulation, to limit or prohibit the use of the facility.

*Clause 81* amends TIA section 466 (Fees) to provide that the amount of a fee for a public marine facility managed by a waterways authority (the GCWA or SCWA) must be prescribed under a regulation and that debt recovery of such fees imposed by a waterways authority is provided for in section 476. The provision already applies for the GCWA and this clause has the effect of extending its application to the SCWA.

*Clause 82* amends TIA section 476 (Amounts payable are debts owing to the State) to include a debt owing to a waterways authority (including SCWA and GCWA) under TIA as a debt owing to the State. The provision already applies for the GCWA and this clause has the effect of extending its application to the SCWA.

*Clause 83* inserts new Chapter 21 Part 7 (Transitional provision for the *Sunshine Coast Waterways Authority Act 2026*) into TIA. In this Part, the following new provision is inserted:

- Section 590 provides that the SCWA is taken to be the public marine facility manager for the Mooloolaba State managed boat harbour, and the chief executive is taken to have resigned as manager, from commencement. This applies despite TIA section 459 which states that the Governor in Council may appoint a manager by regulation, and TIA section 467 which states that a manager may resign with the consent of the Governor in Council.

*Clause 84* amends TIA Schedule 1 (Subject matter for regulations) to provide that:

- a regulation may be made about management of any public marine facilities (Part 1 Item 20) and is not limited to those managed by the chief executive
- a regulation may be made about a levy for a boat harbour (Part 1 Item 21), including a boat harbour managed by a waterways authority, and is not limited to a boat harbour managed by the chief executive.

*Clause 85* amends TIA Schedule 6 (Dictionary) to include definitions for *Sunshine Coast waterway*, *Sunshine Coast Waterways Authority* and *waterways authority*.

#### **Division 4 Amendment of *Transport Operations (Marine Pollution) Act 1995***

*Clause 86* provides that Division 4 of Part 10 amends TOMPA.

*Clause 87* amends TOMPA section 66 (Reception facilities) to provide that the SCWA may provide, join with someone else in providing, arrange for the provision of, or direct the providing of, the reception facilities for Sunshine Coast waterways, without limiting the general manager's same power.

*Clause 88* amends Schedule 1 (Dictionary) to remove the definition for *Gold Coast waters* as a separate clause defines the term in the sole provision that mentions it.

### **Division 5 Amendment of *Transport Operations (Marine Safety) Act 1994***

*Clause 89* provides that Division 5 of Part 10 amends TOMSA.

*Clause 90* amends TOMSA section 77A to provide that a harbour master must consult with the SCWA before exercising a power that may affect the SCWA's functions.

*Clause 91* inserts new section 105B into TOMSA to provide that the Sunshine Coast Waterways Authority may set up an aid to navigation in the Sunshine Coast waterways, with the approval of the general manager, MSQ. General manager approval is not required for maintaining an aid to navigation. This clause also provides that the SCWA may enter into agreements for setting up an aid to navigation in Sunshine Coast waterways.

*Clause 92* amends TOMSA section 203 to revise the definitions of 'original decision' and 'reviewed decision' to include decisions of a waterways authority.

*Clause 93* amends TOMSA section 203A to include decisions of a waterways authority for Part 16 review provisions.

*Clause 94* amends TOMSA section 203B to provide that the waterways authority is the internal reviewer of an original decision made by the waterways authority. This clause also removes reference to a delegate of the chief executive or general manager, as delegation of decision-making powers is an administrative procedure.

*Clause 95* amends TOMSA section 203C to define what review entity means for an external review of a decision, including a reviewed decision made by the SCWA.

*Clause 96* amends TOMSA section 218 to include a waterways authority in the responsibility and liability protections relating to buoy moorings. The provision already applies to the general manager, GCWA, the chief executive and the State and the amendment has the effect of extending the protections to the SCWA.

*Clause 97* amends Schedule 1 (Dictionary) of TOMSA to insert definitions for the terms *Sunshine Coast Waterways Authority* and *waterways authority*

### **Part 11 Other amendments**

*Clause 98* provides that Schedule 2 amends the legislation it mentions.

### **Schedule 1 Dictionary (section 6)**

Schedule 1 contains definitions for terms used in the Bill.

## **Schedule 2 Other amendments (section 98)**

Section 1 of Schedule 2 omits references in TIA sections 84C(9), 105K(a), 303(6), 354(7) and 477D(4) to a repealed provision of the *Land Act 1994*.

Section 2 of Schedule 2 omits a reference in TIA section 262(1) to a repealed provision of the *Land Act 1994*.

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