



Queensland

# **Sunshine Coast Waterways Authority Act 2026**

**Act No. 11 of 2026**

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**An Act to establish the Sunshine Coast Waterways Authority, and to amend this Act, the Public Sector Act 2022, the Transport Infrastructure Act 1994, the Transport Operations (Marine Pollution) Act 1995 and the Transport Operations (Marine Safety) Act 1994 for particular purposes**

**[Assented to 26 May 2026]**





Queensland

# Sunshine Coast Waterways Authority Act 2026

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	7
2	Commencement .....	7
3	Main purpose of Act .....	7
4	Relationship with other Acts .....	7
5	Act binds all persons .....	8
6	Definitions .....	8
7	Meaning of Sunshine Coast waterways .....	8
<b>Part 2</b>	<b>Sunshine Coast Waterways Authority</b>	
<b>Division 1</b>	<b>Establishment</b>	
8	Establishment .....	9
9	Legal status .....	9
10	Authority represents the State .....	10
11	Application of other Acts .....	10
<b>Division 2</b>	<b>Functions and powers</b>	
12	Functions .....	10
13	Powers .....	11
<b>Part 3</b>	<b>Waterways management strategy and waterways management program</b>	
<b>Division 1</b>	<b>Waterways management strategy</b>	
14	Meaning of waterways management strategy .....	12
15	Development .....	12
16	Content .....	13
17	Tabling .....	14
<b>Division 2</b>	<b>Waterways management program</b>	

Contents

---

18	Development of waterways management program . . . . .	14
19	Consultation . . . . .	15
20	Approval . . . . .	15
21	Consistency with waterways management strategy . . . . .	15
<b>Part 4</b>	<b>Sunshine Coast Waterways Authority Board</b>	
<b>Division 1</b>	<b>Establishment, functions and powers</b>	
22	Establishment . . . . .	16
23	Functions . . . . .	16
24	Powers . . . . .	16
<b>Division 2</b>	<b>Composition</b>	
25	Composition . . . . .	16
26	Prospective appointees . . . . .	17
27	Appointed members . . . . .	17
28	Term of appointment . . . . .	18
29	Conditions of appointment . . . . .	18
30	Appointed members to disclose particular matters . . . . .	19
31	Suspension from office . . . . .	19
32	Vacancy in office . . . . .	20
33	Disqualification . . . . .	20
<b>Division 3</b>	<b>Board meetings</b>	
34	Conduct of business . . . . .	21
35	Meetings generally . . . . .	21
36	Quorum . . . . .	21
37	Presiding at meetings . . . . .	21
38	Disclosure of conflicts of interest . . . . .	22
39	Voting at meetings . . . . .	22
40	Decisions outside meetings . . . . .	22
41	Minutes . . . . .	23
<b>Division 4</b>	<b>Committees</b>	
42	Establishment of committees . . . . .	23
<b>Part 5</b>	<b>Staff</b>	
<b>Division 1</b>	<b>Chief executive officer</b>	
43	Prospective chief executive officer . . . . .	23
44	Appointment . . . . .	24
45	Term of appointment . . . . .	24
46	Conditions of appointment . . . . .	25

47	Preservation of rights . . . . .	25
48	Disclosure of conflicts of interest . . . . .	25
49	Disclosure of particular matters . . . . .	26
50	Vacancy in office . . . . .	26
51	Disqualification . . . . .	26
52	Resignation . . . . .	27
53	Acting chief executive officer . . . . .	28
<b>Division 2</b>	<b>Other staff</b>	
54	Authority's staff . . . . .	28
<b>Part 6</b>	<b>Ministerial directions, reporting and information</b>	
55	Ministerial directions . . . . .	28
56	Quarterly reports . . . . .	29
57	Annual report . . . . .	30
58	Exchange of information . . . . .	30
<b>Part 7</b>	<b>Financial provisions</b>	
59	Particular amounts received must be paid into the consolidated fund	31
60	Authority not liable for particular charges . . . . .	32
<b>Part 8</b>	<b>Miscellaneous provisions</b>	
<b>Division 1</b>	<b>Criminal history</b>	
61	Criminal history report . . . . .	32
62	Changes in criminal history must be disclosed . . . . .	33
63	Confidentiality of criminal history information . . . . .	33
<b>Division 2</b>	<b>Transfer notices</b>	
64	Definitions for division . . . . .	34
65	Minister may make transfer notice . . . . .	35
66	Application of instruments . . . . .	37
<b>Division 3</b>	<b>Other provisions</b>	
67	Delegations . . . . .	38
68	Three-yearly review of operations . . . . .	38
69	Regulation-making power . . . . .	39
<b>Part 9</b>	<b>Transitional provisions</b>	
70	Waterways management program . . . . .	39
71	Initial appointment of chief executive officer . . . . .	39
72	Certified agreement to apply to particular staff members . . . . .	39
<b>Part 10</b>	<b>Amendment of legislation</b>	
<b>Division 1</b>	<b>Amendment of this Act</b>	

## Contents

73	Act amended . . . . .	41
74	Amendment of long title . . . . .	41
<b>Division 2</b>	<b>Amendment of Public Sector Act 2022</b>	
75	Act amended . . . . .	41
76	Amendment of sch 1 (Public service entities under section 9(b))	41
<b>Division 3</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	
77	Act amended . . . . .	42
78	Amendment of s 461 (Management by chief executive) . . . . .	42
79	Insertion of new s 461B . . . . .	42
	461B Management by Sunshine Coast Waterways Authority	42
80	Amendment of s 464 (Management by another person) . . . . .	43
81	Amendment of s 466 (Fees) . . . . .	43
82	Amendment of s 476 (Amounts payable are debts owing to the State) . . . . .	43
83	Insertion of new ch 21, pt 7 . . . . .	43
	Part 7 Transitional provision for Sunshine Coast Waterways Authority Act 2026	
	590 Sunshine Coast Waterways Authority to be manager of Mooloolaba State managed boat harbour . . . . .	44
84	Amendment of sch 1 (Subject matter for regulations) . . . . .	44
85	Amendment of sch 6 (Dictionary) . . . . .	45
<b>Division 4</b>	<b>Amendment of Transport Operations (Marine Pollution) Act 1995</b>	
86	Act amended . . . . .	45
87	Amendment of s 66 (Reception facilities) . . . . .	45
88	Amendment of sch 1 (Dictionary) . . . . .	46
<b>Division 5</b>	<b>Amendment of Transport Operations (Marine Safety) Act 1994</b>	
89	Act amended . . . . .	46
90	Amendment of s 77A (Harbour master to consult with Gold Coast Waterways Authority) . . . . .	47
91	Insertion of new s 105B . . . . .	47
	105B Sunshine Coast Waterways Authority may set up aid to navigation . . . . .	47
92	Replacement of s 203 (Definitions for pt 16) . . . . .	48
93	Amendment of s 203A (Main purposes of pt 16) . . . . .	48
94	Amendment of s 203B (Internal review of decisions) . . . . .	48
95	Amendment of s 203C (External review of decisions) . . . . .	49
96	Amendment of s 218 (Other matters for regulations) . . . . .	50

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97	Amendment of sch 1 (Dictionary) .....	50
<b>Part 11</b>	<b>Other amendments</b>	
98	Legislation amended .....	51
<b>Schedule 1</b>	<b>Dictionary</b> .....	52
<b>Schedule 2</b>	<b>Other amendments</b> .....	53
	Transport Infrastructure Act 1994 .....	53



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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Sunshine Coast Waterways Authority Act 2026*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Main purpose of Act**

The main purpose of this Act is to establish the Sunshine Coast Waterways Authority to strategically plan for and facilitate the sustainable use, management and development of the Sunshine Coast waterways.

### **4 Relationship with other Acts**

- (1) This Act does not affect the operation of the following Acts—
- (a) the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*;
  - (b) the *Economic Development Act 2012*;
  - (c) the *Fisheries Act 1994*;
  - (d) the *Marine Parks Act 2004*;
  - (e) the *Maritime Safety Queensland Act 2002*;
  - (f) the *Nature Conservation Act 1992*;
  - (g) the *Recreation Areas Management Act 2006*;

[s 5]

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- (h) the *State Development and Public Works Organisation Act 1971*;
  - (i) the *Transport Infrastructure Act 1994*;
  - (j) the *Transport Operations (Marine Pollution) Act 1995*;
  - (k) the *Transport Operations (Marine Safety) Act 1994*.
- (2) Also, this Act does not affect the functions or obligations of a local government under the following Acts—
- (a) the *Coastal Protection and Management Act 1995*;
  - (b) the *Local Government Act 2009*;
  - (c) the *Planning Act 2016*.

## **5 Act binds all persons**

- (1) This Act binds all persons, including the State.
- (2) However, the State can not be prosecuted for an offence against this Act.

## **6 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

## **7 Meaning of *Sunshine Coast waterways***

The *Sunshine Coast waterways* are all of the following waterways below the high water mark—

- (a) Castaways Creek;
- (b) Lake Cooroibah;
- (c) Lake Cootharaba;
- (d) Cornmeal Creek;
- (e) Currimundi Creek;
- (f) Lake Doonella;

- (g) Keyser Channel;
- (h) the Maroochy River;
- (i) the Mooloolah River;
- (j) the Noosa River, and adjoining waterways, to the extent the waterways are within the local government area of the Noosa Shire Council;
- (k) Pumicestone Channel (commonly known as Pumicestone Passage), and adjoining waterways, north of a line from latitude 27°06' south on the mainland shore to South Point on Bribie Island;
- (l) Stumer Creek;
- (m) Tooway Creek;
- (n) Lake Weyba;
- (o) Weyba Creek;
- (p) waterways adjoining the waterways stated in paragraphs (a) to (i) and (l) to (o).

## **Part 2**                      **Sunshine Coast Waterways Authority**

### **Division 1**                **Establishment**

#### **8**                      **Establishment**

The Sunshine Coast Waterways Authority is established.

#### **9**                      **Legal status**

The authority—

- (a) is a body corporate; and
- (b) has perpetual succession; and

[s 10]

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- (c) has a seal; and
- (d) may sue and be sued in its corporate name.

## **10 Authority represents the State**

- (1) The authority represents the State.
- (2) Without limiting subsection (1), the authority has the status, privileges and immunity of the State.

## **11 Application of other Acts**

The authority is—

- (a) a statutory body under the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and

*Note—*

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the authority's powers.

- (c) a unit of public administration under the *Crime and Corruption Act 2001*.

## **Division 2 Functions and powers**

### **12 Functions**

The authority has the following functions—

- (a) to plan strategically for the management of the Sunshine Coast waterways by developing—
  - (i) a waterways management strategy; and
  - (ii) a waterways management program;
- (b) to install, manage and maintain infrastructure for the Sunshine Coast waterways;

- (c) to manage navigational access to, and within, the Sunshine Coast waterways;
- (d) to monitor and manage the movement of sand or sediment—
  - (i) in the Sunshine Coast waterways; and
  - (ii) in coastal waters, or on land, adjacent to the Sunshine Coast waterways for managing the Sunshine Coast waterways;
- (e) to perform any other function given to it under this Act or another Act.

### **13 Powers**

- (1) The authority has the powers of an individual and may, for example—
  - (a) acquire, hold, dispose of or deal with property; or
  - (b) appoint agents and attorneys; or
  - (c) engage consultants; or
  - (d) enter into contracts, joint ventures and commercial arrangements; or
  - (e) do anything else necessary or convenient to be done in the performance its functions.
- (2) Also, the authority has the powers given to it under this Act or another Act.

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

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

#### **14**      **Meaning of *waterways management strategy***

- (1) A *waterways management strategy* is a 10-year management strategy about the long-term sustainable use, management and development of the Sunshine Coast waterways.
- (2) The purposes of a waterways management strategy are to—
  - (a) establish a clear direction for the sustainable use, management and development of the Sunshine Coast waterways for a 10-year period; and
  - (b) identify the needs and priorities for the sustainable use, management and development of the Sunshine Coast waterways into the future, having regard to the benefits for and impacts on—
    - (i) the local community; and
    - (ii) the local environment; and
    - (iii) local marine industries, tourism and economy.

#### **15**      **Development**

- (1) The authority must, from time to time, develop a waterways management strategy for the Minister's approval.
- (2) In developing a waterways management strategy, the authority must—
  - (a) have regard to the purpose of this Act; and
  - (b) have regard to agreements or arrangements about navigational access to, marine infrastructure for, and

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- management of, the Sunshine Coast waterways between—
- (i) the State and the Moreton Bay City Council; or
  - (ii) the State and the Noosa Shire Council; or
  - (iii) the State and the Sunshine Coast Regional Council; and
- (c) take reasonable steps to engage in public consultation; and
- (d) consult with—
- (i) Maritime Safety Queensland; and
  - (ii) the Moreton Bay City Council; and
  - (iii) the Noosa Shire Council; and
  - (iv) the Sunshine Coast Regional Council.
- (3) In relation to a waterways management strategy submitted for approval, the Minister may—
- (a) approve the strategy; or
  - (b) direct the authority to amend the strategy.

## 16 Content

A waterways management strategy must include the following—

- (a) a statement of specific objectives sought to be achieved in relation to the Sunshine Coast waterways;
- (b) any proposals for achieving the objectives;
- (c) the investment criteria for deciding priorities for the proposals to achieve the objectives;
- (d) options for financing the delivery of the priorities mentioned in paragraph (c);
- (e) appropriate performance indicators for deciding whether, and to what extent, the objectives of the strategy have been achieved.

[s 17]

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## 17 Tabling

- (1) The Minister must table a copy of a waterways management strategy in the Legislative Assembly within 5 sitting days after approving the strategy.
- (2) In this section—  
*waterways management strategy* includes an amendment of a waterways management strategy.

## Division 2 Waterways management program

### 18 Development of waterways management program

- (1) Before the start of each financial year, the authority must develop for the Minister's approval a Sunshine Coast waterways management program for the financial year and the following 3 financial years (a *waterways management program*).
- (2) A waterways management program is a program for implementing the waterways management strategy for the financial year and the following 3 financial years.
- (3) A waterways management program must include each of the following for the period to which the program relates—
  - (a) details of projects and activities to be undertaken to implement the waterways management strategy;
  - (b) details of steps to be undertaken to consult with the public and relevant stakeholders;
  - (c) the policies and financial measures for implementing the waterways management strategy;
  - (d) the performance targets to be achieved;
  - (e) any other matters as directed by the Minister.

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## **19 Consultation**

In developing a waterways management program, the authority must take reasonable steps to—

- (a) engage in public consultation; and
- (b) consult with—
  - (i) Maritime Safety Queensland; and
  - (ii) the Moreton Bay City Council; and
  - (iii) the Noosa Shire Council; and
  - (iv) the Sunshine Coast Regional Council.

## **20 Approval**

- (1) The authority must submit a draft waterways management program to the Minister before the start of each financial year.
- (2) The Minister may—
  - (a) approve the program; or
  - (b) direct the authority to amend the program.
- (3) If the Minister approves the program, the authority must publish the program on the authority's website.
- (4) If the Minister gives a direction to amend the program, the authority must comply with the direction.

## **21 Consistency with waterways management strategy**

- (1) Subject to a direction of the Minister, a waterways management program must be consistent with the waterways management strategy for the period to which the program relates.
- (2) If the Minister gives a direction under section 20(2)(b) that results in a waterways management program being inconsistent with the waterways management strategy for the period to which the program relates, the Minister must table a

[s 22]

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copy of the direction in the Legislative Assembly within 5 sitting days after the direction is given.

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

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

#### **22**        **Establishment**

The Sunshine Coast Waterways Authority Board (the *board*) is established as the governing body of the authority.

#### **23**        **Functions**

The functions of the board are—

- (a) to ensure the authority performs its functions in a proper, effective and efficient manner; and
- (b) any other function given to the board under this Act or another Act.

#### **24**        **Powers**

- (1) The board has the powers to do anything necessary or convenient for the performance of its functions.
- (2) Anything done in the name of, or for, the authority by the board is taken to have been done by the authority.

### **Division 2**                **Composition**

#### **25**        **Composition**

- (1) The board consists of a chairperson and 6 other persons.

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- (2) A person mentioned in subsection (1) is an ***appointed member***.
  - (3) An appointed member must be appointed by the Governor in Council on the recommendation of the Minister.

## **26 Prospective appointees**

- (1) This section applies if a person is being considered for appointment as an appointed member.
- (2) The Minister may ask the person to give the Minister a written statement stating—
  - (a) whether the person is disqualified from becoming an appointed member under section 33; and
  - (b) whether or not the person, or any close relative of the person, has an interest that, if the appointment is made, conflicts or may conflict with the proper performance of the person's functions under the appointment.
- (3) The person must not give the Minister a statement under subsection (2) that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

## **27 Appointed members**

The Minister may recommend a person to be an appointed member if the Minister is satisfied that—

- (a) the person is not disqualified from becoming an appointed member under section 33; and
- (b) the person is appropriately qualified in 1 or more of the following areas—
  - (i) accounting;
  - (ii) corporate governance;
  - (iii) finance;
  - (iv) management of entities delivering public services;

[s 28]

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- (v) commercial and marketing development;
- (vi) maritime business;
- (vii) environmental management;
- (viii) marine science;
- (ix) marine, coastal or waterways planning;
- (x) marine, coastal, waterways or infrastructure engineering;
- (xi) the representation of the interests of stakeholders in the Sunshine Coast waterways including, for example, native title holders, industry, recreational waterway users, tourism operators and interested groups;
- (xii) another area the Minister considers relevant to achieving the purpose of this Act.

## **28 Term of appointment**

- (1) An appointed member holds office for the term stated in the member's instrument of appointment.
- (2) The stated term must not be longer than 4 years.
- (3) An appointed member may be reappointed.
- (4) However, the total of the appointed member's terms may not be longer than 8 years.

## **29 Conditions of appointment**

- (1) An appointed member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) An appointed member holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.

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### **30 Appointed members to disclose particular matters**

- (1) This section applies to a person who—
  - (a) is an appointed member; and
  - (b) during the term of the person's appointment the person becomes disqualified under section 33(1), other than under section 33(1)(d).
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the arrangement, appointment, employment, disqualification, insolvency or election to the Minister.

Maximum penalty—100 penalty units.

*Note—*

See section 62 for the requirement for a person who is an appointed member to give notice of a change in the person's criminal history.

### **31 Suspension from office**

- (1) This section applies if—
  - (a) a matter has arisen in relation to an appointed member; and
  - (b) the Minister considers it is necessary in the public interest for the appointed member to be suspended from office pending further consideration of the matter.
- (2) The Minister may, by written notice given to the appointed member, suspend the appointed member for a period not exceeding 60 days.
- (3) If the Minister considers it is necessary in the circumstances, the Minister may, by written notice given to the appointed member, extend the suspension from time to time by periods not exceeding 60 days.
- (4) The Minister must advise the appointed member by written notice if the Minister ends the member's suspension.

[s 32]

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### **32 Vacancy in office**

The office of an appointed member becomes vacant if the appointed member—

- (a) completes a term of office and is not reappointed; or
- (b) is disqualified from continuing as an appointed member under section 33; or
- (c) resigns office by signed notice given to the Minister; or
- (d) is removed from office as an appointed member.

### **33 Disqualification**

(1) A person is disqualified from becoming, or continuing in office as, an appointed member if the person—

- (a) is a party to a contract with the authority relating to the Sunshine Coast waterways (a *relevant contract*); or
- (b) is a related entity of a body corporate, under the Corporations Act, that is a party to a relevant contract; or
- (c) is an employee of a party to a relevant contract, unless the party is the Moreton Bay City Council, Noosa Shire Council or the Sunshine Coast Regional Council; or
- (d) has a conviction for an indictable offence, other than a spent conviction; or
- (e) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- (f) is, or has been, an insolvent under administration; or
- (g) is a member of the Legislative Assembly or the parliament of the Commonwealth or another State.

(2) Also, a person is disqualified from becoming, or continuing in office as, an appointed member if the person does not consent to the Minister requesting a report about the person's criminal history under part 8, division 1.

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## **Division 3                      Board meetings**

### **34            Conduct of business**

Subject to this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

### **35            Meetings generally**

- (1) The chairperson may convene a meeting of the board (a *board meeting*) as the chairperson considers appropriate.
- (2) However, the chairperson must call a board meeting—
  - (a) at least once in each quarter; and
  - (b) if asked, in writing, to do so by at least 2 appointed members.
- (3) The board may hold board meetings, or allow appointed members to take part in board meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meeting.
- (4) An appointed member who takes part in a board meeting under subsection (3) is taken to be present at the meeting.

### **36            Quorum**

A quorum for a board meeting is more than half of the appointed members of the board at the time the meeting is held.

### **37            Presiding at meetings**

- (1) The chairperson must preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, the following member must preside—

[s 38]

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- (a) the appointed member chosen by the chairperson;
- (b) if the chairperson has not chosen a person to preside in their absence—the appointed member chosen by the members present.

### **38 Disclosure of conflicts of interest**

- (1) This section applies if an appointed member, or a close relative of an appointed member, has an interest that conflicts or may conflict with the proper performance of the member's functions.
- (2) The appointed member must, as soon as practicable, disclose the interest to—
  - (a) if the matter is being considered or about to be considered by the board—the board; or
  - (b) otherwise—the Minister.

Maximum penalty—100 penalty units.

- (3) If an appointed member has disclosed an interest relating to a matter being considered or about to be considered by the board, the member must not participate in the board's consideration of the matter.

Maximum penalty—100 penalty units.

### **39 Voting at meetings**

- (1) A question at the meeting is decided by a majority of the votes of the appointed members present at the board meeting.
- (2) If the votes are equal, the appointed member presiding at the board meeting has a casting vote.

### **40 Decisions outside meetings**

A decision of the board, other than a decision at a board meeting, may be made only with the written agreement of a majority of appointed members.

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## **41 Minutes**

The board must keep—

- (a) minutes of board meetings; and
- (b) records of decisions made outside of meetings.

## **Division 4 Committees**

### **42 Establishment of committees**

- (1) The board may establish 1 or more committees to assist in the performance of the board's functions.
- (2) The members of a committee of the board are the appointed members decided by the board.
- (3) Subject to the directions of the board, a committee of the board may conduct its proceedings, including its meetings, as it considers appropriate.

## **Part 5 Staff**

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

#### **43 Prospective chief executive officer**

- (1) This section applies if a person is being considered for appointment to the office of chief executive officer.
- (2) The Minister may ask the person to give the Minister a written statement stating—
  - (a) whether the person is disqualified from becoming the chief executive officer under section 51; and
  - (b) whether or not the person, or a close relative of the person, has an interest that, if the appointment is made, conflicts or may conflict with the proper performance of the person's functions under the appointment.

[s 44]

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- (3) The person must not give the Minister a statement under subsection (2) that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

#### **44 Appointment**

- (1) There must be a chief executive officer of the authority.
- (2) The chief executive officer is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment as the chief executive officer if—
  - (a) the Minister is satisfied the person is not disqualified from becoming the chief executive officer under section 51; and
  - (b) the Minister has consulted the board about the appointment of the person.
- (4) The chief executive officer is appointed under this Act and not under the *Public Sector Act 2022*.
- (5) The chief executive officer is responsible for the day-to-day administration of the authority's operations in accordance with the priorities set by the board.
- (6) The chief executive officer has the power to do all things necessary or convenient to be done for the performance of the chief executive officer's functions.
- (7) The chief executive officer is accountable to the board.

#### **45 Term of appointment**

- (1) The chief executive officer is appointed for the term stated in the chief executive officer's instrument of appointment.
- (2) The stated term must be not longer than 5 years.
- (3) The chief executive officer may be reappointed.

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## **46 Conditions of appointment**

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) For matters not provided for under this Act or stated in the chief executive officer's instrument of appointment, the chief executive officer holds office on the terms and conditions decided by the Governor in Council.

## **47 Preservation of rights**

- (1) This section applies if a person who is a public service officer is appointed as the chief executive officer.
- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the chief executive officer were a continuation of service as a public service officer.
- (3) At the end of the person's term of office or resignation as the chief executive officer, the person's service as the chief executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

## **48 Disclosure of conflicts of interest**

- (1) This section applies if the chief executive officer, or a close relative of the chief executive officer, has an interest that conflicts or may conflict with the proper performance of the chief executive officer's functions.
- (2) The chief executive officer must, as soon as practicable, disclose the interest to—
  - (a) if the matter is being considered or about to be considered by the board—the board; or
  - (b) otherwise—the Minister.

Maximum penalty—100 penalty units.

[s 49]

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## 49 Disclosure of particular matters

- (1) This section applies to a person who—
  - (a) is the chief executive officer; and
  - (b) during the term of the person's appointment becomes disqualified under section 51(1), other than section 51(1)(d).
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the arrangement, appointment, employment, disqualification, insolvency or election to the Minister.

Maximum penalty—100 penalty units.

*Note—*

See section 62 for the requirement for a person who is the chief executive officer to give notice of a change in the person's criminal history.

## 50 Vacancy in office

The office of chief executive officer becomes vacant if the chief executive officer—

- (a) completes a term of office and is not reappointed; or
- (b) is disqualified from continuing in office under section 51; or
- (c) resigns by signed notice under section 52; or
- (d) is removed from office.

## 51 Disqualification

- (1) A person is disqualified from becoming, or continuing in office as, the chief executive officer if the person—
  - (a) is a party to a contract with the authority relating to the Sunshine Coast waterways (a ***relevant contract***); or

- (b) is a related entity of a body corporate, under the Corporations Act, that is a party to a relevant contract; or
  - (c) is an employee of a party to a relevant contract, unless the party is the Moreton Bay City Council, the Noosa Shire Council or the Sunshine Coast Regional Council; or
  - (d) has a conviction for an indictable offence, other than a spent conviction; or
  - (e) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
  - (f) is, or has been, an insolvent under administration; or
  - (g) is a councillor of a local government; or
  - (h) is a member of the Legislative Assembly or the parliament of the Commonwealth or another State.
- (2) Also, a person is disqualified from becoming, or continuing in office as, the chief executive officer if the person does not consent to the Minister requesting a report about the person's criminal history under part 8, division 1.

## **52 Resignation**

- (1) The chief executive officer may resign the chief executive officer's office by signed notice given to the board.
- (2) The resignation takes effect—
  - (a) on the day the notice is given; or
  - (b) if a later day is stated in the notice— on the later day.
- (3) If the chief executive officer resigns office under subsection (1), the board must immediately give the Minister written notice of the resignation.

[s 53]

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### **53 Acting chief executive officer**

- (1) The Minister may, by signed notice, appoint a person to act in the office of the chief executive officer if—
  - (a) there is a vacancy in the office of the chief executive officer; or
  - (b) the chief executive officer is absent from duty or, for another reason, can not perform the duties of the office.
- (2) However, the Minister may appoint a person to act in the office of the chief executive officer only if—
  - (a) the person is not disqualified from becoming the chief executive officer under section 51; and
  - (b) the Minister has consulted the board about the appointment of the person.
- (3) This section does not limit or otherwise affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

## **Division 2 Other staff**

### **54 Authority's staff**

- (1) The authority may employ other staff it considers necessary to perform its functions.
- (2) The staff are employed under the *Public Sector Act 2022*.

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

### **55 Ministerial directions**

- (1) The Minister may give the authority a written direction about a matter relevant to the performance of the authority's

functions or the exercise of its powers if the Minister is satisfied it is reasonably necessary to give the direction.

- (2) Without limiting subsection (1), the Minister may give the authority a direction under that subsection—
  - (a) to give the Minister information held or controlled by the authority; or
  - (b) to submit to the Minister a document for the Minister's approval; or
  - (c) to give the Minister a report about a matter relevant to the authority's functions.
- (3) If a direction is given under this section, the authority must comply with the direction.

## 56 Quarterly reports

- (1) The authority must give the Minister a report about the performance of its functions for each quarter in a financial year.
- (2) A quarterly report must be given to the Minister—
  - (a) within 6 weeks after the end of the quarter; or
  - (b) if another period after the end of the quarter is agreed between the authority and the Minister—within the agreed period.
- (3) Without limiting subsection (1), the report must address the following matters—
  - (a) the progress of projects and activities undertaken to implement the waterways management strategy;
  - (b) other activities for management of the Sunshine Coast waterways;
  - (c) the revenue and expenditure of the authority.
- (4) In this section—

**quarter**, in a financial year, means the following periods in the year—

[s 57]

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- (a) 1 July to 30 September;
- (b) 1 October to 31 December;
- (c) 1 January to 31 March;
- (d) 1 April to 30 June.

## 57 Annual report

- (1) This section applies to each annual report the authority is required to prepare and give to the Minister under the *Financial Accountability Act 2009*, section 63.
- (2) The annual report must include the following—
  - (a) a copy of any Ministerial directions given during the year to which the annual report relates (the *year*);
  - (b) details about projects undertaken during the year to implement the waterways management strategy;
  - (c) a statement about how the authority performed its functions during the year compared with the expected performance for the year under the authority's waterways management program;
  - (d) any other matter prescribed by regulation for this section.
- (3) This section does not limit the *Financial Accountability Act 2009*.

## 58 Exchange of information

- (1) The authority may enter into an arrangement (an *information-sharing arrangement*) with a relevant agency for the purposes of sharing or exchanging information—
  - (a) held by the authority or relevant agency; or
  - (b) to which the authority or relevant agency has access.
- (2) An information-sharing arrangement may relate only to information that assists—

- 
- (a) the authority perform the authority's functions under this Act; or
  - (b) the relevant agency perform its functions.
- (3) Under an information-sharing arrangement, the authority and the relevant agency are, despite another Act or law, authorised to—
- (a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and
  - (b) disclose information to the other party.
- (4) In this section—
- relevant agency*** means—
- (a) the chief executive of the department in which the *Fisheries Act 1994* is administered; or
  - (b) the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered; or
  - (c) the general manager of Maritime Safety Queensland; or
  - (d) the police commissioner; or
  - (e) an entity prescribed by regulation for this definition.

## Part 7 Financial provisions

### 59 Particular amounts received must be paid into the consolidated fund

- (1) The authority must pay amounts received under this or another Act into the consolidated fund, including, for example, amounts received for fees in relation to buoy moorings and aquatic events under the *Transport Operations (Marine Safety) Act 1994*.
- (2) However, an amount received or recovered by the authority in the authority's capacity as the manager of a public marine facility under the *Transport Infrastructure Act 1994* may be

[s 60]

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retained by the authority and not paid into the consolidated fund.

*Note—*

See the *Transport Infrastructure Act 1994*, section 480(8).

## **60 Authority not liable for particular charges**

The authority is not liable to pay royalties or similar charges for extractive material removed in exercising a power under this Act if the material is disposed of—

- (a) in an area approved by the Minister; and
- (b) under environmental controls relating to extractive material under an Act.

# **Part 8 Miscellaneous provisions**

## **Division 1 Criminal history**

### **61 Criminal history report**

- (1) To decide if a person is disqualified from becoming or continuing as an appointed member or the chief executive officer, the Minister may ask the police commissioner for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request.
- (4) However, the duty to comply under subsection (3) applies only to information in the possession of the police

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commissioner or to which the police commissioner has access.

(5) In this section—

***criminal history***, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

## **62 Changes in criminal history must be disclosed**

- (1) This section applies if a person who is an appointed member or the chief executive officer is convicted of an indictable offence during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately after the person is convicted, give written notice of the conviction to the Minister.

Maximum penalty—100 penalty units.

- (3) The notice must state the following matters—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.

## **63 Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister or a member of the Minister's staff; or
    - (ii) a public service employee performing functions under, or relating to the administration of, this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.

[s 64]

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- (2) The person must not disclose the criminal history information to anyone else, or use the criminal history information, other than under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the criminal history information—

(a) to the extent the disclosure or use—

(i) is necessary to perform the person’s functions under, or relating to the administration of, this Act; or

(ii) is otherwise required or permitted by this Act or another law; or

(b) with the consent of the person to whom the criminal history information relates.

- (4) A person who possesses a report given to the Minister under section 61 or a notice given to the Minister under section 62 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

- (5) Subsection (4) applies despite the *Public Records Act 2023*.

- (6) In this section—

***criminal history information*** means information contained in—

(a) a report given to the Minister under section 61; or

(b) a notice given to the Minister under section 62.

***disclose*** includes give access to.

## Division 2                      Transfer notices

### 64                      Definitions for division

In this division—

*instrument* means any document, and includes—

- (a) a written or oral agreement; and
- (b) an application; and
- (c) an accreditation, approval, certificate, entitlement, exemption, licence, manual, notice, permit, plan and any other authority.

*right* includes power, privilege and immunity.

*transfer notice* see section 65(1).

## 65 Minister may make transfer notice

- (1) For the purpose of the establishment of the authority, the Minister may, by gazette notice (a *transfer notice*) do any of the following—
  - (a) transfer a business, asset or liability of the State to the authority;
  - (b) grant a lease, easement or other right from the State to the authority;
  - (c) vary or extinguish a lease, easement or other rights held by the State;
  - (d) in relation to a lease held under the *Land Act 1994*—
    - (i) transfer the lease; or
    - (ii) change a purpose for which the lease is issued; or
    - (iii) change a condition imposed on the lease; or
    - (iv) grant a sublease;
  - (e) in relation to a reserve under the *Land Act 1994*—
    - (i) change a community purpose for which the reserve is dedicated; or
    - (ii) remove a trustee of the reserve; or
    - (iii) appoint a trustee of the reserve, subject to conditions or without conditions;

[s 65]

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- (f) provide whether and, if so, the extent to which the authority is the successor in law of the State;
  - (g) make provision for a legal proceeding that is being, or may be, taken by or against the State to be continued or taken by or against the authority;
  - (h) make provision for or about the issue, transfer or application of an instrument to the authority.
- (2) A transfer notice may include conditions applying to something done or to be done under the notice.
  - (3) If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—
    - (a) signed by the Minister; and
    - (b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.
  - (4) The transfer of a liability of the State under a transfer notice discharges the State from the liability, other than to the extent stated in the notice.
  - (5) A transfer notice has effect despite any other law or instrument.
  - (6) A transfer notice has effect on the day it is published in the gazette or a later day and time stated in the notice.
  - (7) If a transfer notice makes provision for a matter under subsection (1)(h) in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—
    - (a) updating a register or other record; and
    - (b) amending, cancelling or issuing an instrument.
  - (8) In this section—

*lease* includes any derivative under lease of the lease.

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*responsible entity*, for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.

## 66 Application of instruments

- (1) This section applies if a transfer notice provides for an instrument that applied to an entity (the *transferor*) to apply to another entity (the *transferee*) in place of the transferor.
- (2) Without limiting the application of the transfer notice to the instrument—
  - (a) any right, title, interest or liability of the transferor arising under or relating to the instrument is taken to be transferred from the transferor to the transferee; and
  - (b) if the instrument, including a benefit or right provided by the instrument, is given to, by or in favour of the transferor, the instrument is taken to have been given to, by or in favour of the transferee; and
  - (c) the transferee is taken to be a party to the instrument in place of the transferor; and
  - (d) a reference in the instrument to the transferor is, to the extent possible and if the context permits, taken to be a reference to the transferee; and
  - (e) if an application was made for the instrument in the name of the transferor, the application is taken to have been made in the name of the transferee; and
  - (f) if the instrument is an instrument under which an amount is or may become payable to or by the transferor, the instrument is taken to be an instrument under which the amount is or may become payable to or by the transferee, in the way the amount was or might have been payable to or by the transferor; and
  - (g) if the instrument is an instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the transferor, the instrument is taken to be an instrument under which

[s 67]

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the property is or may become liable to be transferred, conveyed or assigned to or by the transferee, in the way it was or might have been liable to be transferred, conveyed or assigned to or by the transferor.

## Division 3                      Other provisions

### 67            Delegations

- (1) The authority may delegate a function of the authority, other than a function under part 3, to—
  - (a) an appointed member; or
  - (b) the chief executive officer; or
  - (c) an appropriately qualified person.
- (2) The chief executive officer may delegate the chief executive officer's functions under this Act to an appropriately qualified staff member of the authority.
- (3) In this section—

*function* includes power.

### 68            Three-yearly review of operations

- (1) As soon as practicable after the end of each 3 years of the authority's operation, the Minister must review the operation of the authority (each a **3-yearly review**).
- (2) The first 3-yearly review must be undertaken as soon as practicable after the day that is 3 years after the commencement.
- (3) Each 3-yearly review must include a review of—
  - (a) the way, and the extent to which, the authority has performed its functions; and
  - (b) whether the functions of the authority remain appropriate for giving effect to the purpose of this Act.

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**69 Regulation-making power**

The Governor in Council may make regulations under this Act.

## **Part 9 Transitional provisions**

**70 Waterways management program**

Section 18(1) does not apply in relation to the financial year starting on 1 July 2026.

**71 Initial appointment of chief executive officer**

- (1) This section applies if the Minister recommends the appointment of a person as the chief executive officer of the authority before the Governor in Council has appointed an appointed member of the board.
- (2) Section 44(3)(b) does not apply to the extent the Minister could not recommend a person for appointment only because the Minister has not consulted the board about the appointment of the person.

**72 Certified agreement to apply to particular staff members**

- (1) Subsection (2) applies if immediately before the commencement—
  - (a) the core agreement has not been terminated; and
  - (b) a relevant agreement has not started operating under the *Industrial Relations Act 2016*.
- (2) From the commencement—
  - (a) the core agreement is taken to apply, for all purposes, as if the authority were an entity specified in Appendix 1 of the agreement; and
  - (b) without limiting paragraph (a), the core agreement—

[s 72]

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- (i) is taken to cover the authority; and
  - (ii) is taken to cover staff members of the authority, but only to the extent the staff members would be employees covered by the agreement if the authority were in fact an entity specified in Appendix 1 of the agreement.
- (3) Subsections (4) and (5) apply if—
  - (a) the core agreement has been terminated; and
  - (b) the replacement agreement is not a relevant agreement.
- (4) The replacement agreement is taken to apply, for all purposes, as if the agreement applied to employees of the authority.
- (5) Without limiting subsection (4), the replacement agreement—
  - (a) is taken to cover the authority; and
  - (b) is taken to cover staff members of the authority, but only to the extent the staff members would be employees covered by the agreement if the authority were in fact an entity specified in the agreement as an entity to which the agreement applied.
- (6) This section applies until a relevant agreement starts operating under the *Industrial Relations Act 2016*.
- (7) In this section—
  - arbitration determination** see the *Industrial Relations Act 2016*, section 168.
  - certified agreement** see the *Industrial Relations Act 2016*, section 164.
  - core agreement** means the certified agreement known as the ‘State Government Entities Certified Agreement 2023’.
  - covers**, in relation to a certified agreement, see the *Industrial Relations Act 2016*, section 221.
  - relevant agreement** means a certified agreement or arbitration determination that covers—
    - (a) the authority; and

(b) any staff members of the authority.

*replacement agreement* means a certified agreement or arbitration determination that replaces the core agreement.

## Part 10 Amendment of legislation

### Division 1 Amendment of this Act

#### 73 Act amended

This division amends this Act.

#### 74 Amendment of long title

Long title, from ‘, and to amend’—  
*omit.*

### Division 2 Amendment of Public Sector Act 2022

#### 75 Act amended

This division amends the *Public Sector Act 2022*.

#### 76 Amendment of sch 1 (Public service entities under section 9(b))

Schedule 1—  
*insert—*

Sunshine Coast Waterways Authority  
under the *Sunshine Coast Waterways  
Authority Act 2026*

chief executive officer  
under the *Sunshine Coast  
Waterways Authority Act  
2026*

[s 77]

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

### **77        Act amended**

This division amends the *Transport Infrastructure Act 1994*.

*Note—*

See also the amendments in schedule 2.

### **78        Amendment of s 461 (Management by chief executive)**

Section 461(1), after ‘Gold Coast waters’—

*insert—*

or a Sunshine Coast waterway

### **79        Insertion of new s 461B**

After section 461A—

*insert—*

#### **461B Management by Sunshine Coast Waterways Authority**

- (1) This section applies to a public marine facility in, or on land adjacent to, a Sunshine Coast waterway if, apart from this section, there is no current manager of the facility.
- (2) The Sunshine Coast Waterways Authority is taken to be the manager of the public marine facility until a person is appointed as the manager of the facility under section 459.
- (3) If the Sunshine Coast Waterways Authority is the manager of a public marine facility, the authority—
  - (a) has any powers, conferred under a regulation, to limit or prohibit the use of the facility; and

(b) may exercise any other of the authority's powers, and do anything the authority considers necessary or convenient, for the facility's effective and efficient management.

(4) This section does not limit a power the Sunshine Coast Waterways Authority has apart from this section.

**80 Amendment of s 464 (Management by another person)**

Section 464, 'the Gold Coast Waterways Authority'—

*omit, insert—*

a waterways authority

**81 Amendment of s 466 (Fees)**

(1) Section 466(4)(a) and (5), 'Gold Coast Waterways Authority'—

*omit, insert—*

a waterways authority

(2) Section 466(5), note, after 'chief executive'—

*insert—*

or a waterways authority

**82 Amendment of s 476 (Amounts payable are debts owing to the State)**

Section 476, 'the Gold Coast Waterways Authority'—

*omit, insert—*

a waterways authority

**83 Insertion of new ch 21, pt 7**

Chapter 21—

*insert—*

**Part 7**                      **Transitional provision  
for Sunshine Coast  
Waterways Authority  
Act 2026**

**590 Sunshine Coast Waterways Authority to be  
manager of Mooloolaba State managed boat  
harbour**

- (1) This section applies in relation to the Mooloolaba State managed boat harbour.
- (2) The chief executive is taken to have resigned as the manager of the Mooloolaba State managed boat harbour immediately before the commencement.
- (3) On the commencement, the Sunshine Coast Waterways Authority is appointed as the manager of the Mooloolaba State managed boat harbour.
- (4) This section applies despite sections 459 and 467.
- (5) In this section—

*Mooloolaba State managed boat harbour* means the Mooloolaba Harbour shown as lot 1 on SP143293.

**84 Amendment of sch 1 (Subject matter for regulations)**

- (1) Schedule 1, part 1, item 20, ‘by the chief executive’—  
*omit.*
- (2) Schedule 1, part 1, item 21, after ‘chief executive’—  
*insert—*

or a waterways authority

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**85 Amendment of sch 6 (Dictionary)**

Schedule 6—

*insert—*

*Sunshine Coast waterway* means a waterway stated in the *Sunshine Coast Waterways Authority Act 2026*, section 7.

*Sunshine Coast Waterways Authority* means the Sunshine Coast Waterways Authority established under the *Sunshine Coast Waterways Authority Act 2026*.

*waterways authority* means—

- (a) the Gold Coast Waterways Authority; or
- (b) the Sunshine Coast Waterways Authority.

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

**86 Act amended**

This division amends the *Transport Operations (Marine Pollution) Act 1995*.

**87 Amendment of s 66 (Reception facilities)**

- (1) Section 66(3), ‘the Gold Coast Waterways Authority’—

*omit, insert—*

a waterways authority

- (2) Section 66(3), after ‘Gold Coast waters’—

*insert—*

or Sunshine Coast waterways

- (3) Section 66(4), ‘the Gold Coast Waterways Authority’—

[s 88]

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*omit, insert—*

a waterways authority

- (4) Section 66(6)(b), ‘the Gold Coast Waterways Authority’—

*omit, insert—*

a waterways authority

- (5) Section 66(11)—

*insert—*

***Gold Coast waters*** see the *Gold Coast Waterways Authority Act 2012*, section 7(1).

***Sunshine Coast waterways*** see the *Sunshine Coast Waterways Authority Act 2026*, section 7.

***Sunshine Coast Waterways Authority*** means the Sunshine Coast Waterways Authority established under the *Sunshine Coast Waterways Authority Act 2026*.

***waterways authority*** means—

- (a) the Gold Coast Waterways Authority; or
- (b) the Sunshine Coast Waterways Authority.

## **88 Amendment of sch 1 (Dictionary)**

Schedule 1, definition *Gold Coast waters*—

*omit.*

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

### **89 Act amended**

This division amends the *Transport Operations (Marine Safety) Act 1994*.

**90 Amendment of s 77A (Harbour master to consult with Gold Coast Waterways Authority)**

- (1) Section 77A, heading, ‘Gold Coast Waterways Authority’—

*omit, insert—*

**waterways authority**

- (2) Section 77A(1), from ‘functions’—

*omit, insert—*

functions of a waterways authority, the harbour master must consult with the waterways authority to the extent reasonably practicable.

**91 Insertion of new s 105B**

After section 105A—

*insert—*

**105B Sunshine Coast Waterways Authority may set up aid to navigation**

- (1) Without limiting section 105, the Sunshine Coast Waterways Authority may, with the approval of the general manager, set up an aid to navigation in the Sunshine Coast waterways—
- (a) in or near a pilotage area; and
  - (b) in any other place where the authority considers the aid to navigation is desirable to ensure the safety of people or ships or other property.
- (2) However, the approval of the general manager is not required to maintain an aid to navigation.
- (3) The Sunshine Coast Waterways Authority may enter into agreements for setting up an aid to navigation.
- (4) In this section—

*Sunshine Coast waterways* see the *Sunshine*

*Coast Waterways Authority Act 2026*, section 7.

**92 Replacement of s 203 (Definitions for pt 16)**

Section 203—

*omit, insert—*

**203 Definitions for part**

In this part—

***original decision*** means a decision made under this Act by the chief executive, the general manager, a harbour master, a shipping inspector or a waterways authority, other than a reviewed decision.

***reviewed decision*** means a decision made, or taken to have been made, by the chief executive, the general manager or a waterways authority on a review under section 203B.

**93 Amendment of s 203A (Main purposes of pt 16)**

(1) Section 203A, heading, ‘pt 16’—

*omit, insert—*

**part**

(2) Section 203A(a), from ‘a delegate’—

*omit, insert—*

a harbour master, a shipping inspector or a waterways authority; and

**94 Amendment of s 203B (Internal review of decisions)**

(1) Section 203B(1)(a), ‘or a delegate of the chief executive’—

*omit.*

(2) Section 203B(1)(b)—

*omit, insert—*

- (b) if the original decision was made by the Gold Coast Waterways Authority or a shipping inspector who is an employee of the Gold Coast Waterways Authority—the Gold Coast Waterways Authority;
  - (ba) if the original decision was made by the Sunshine Coast Waterways Authority—the Sunshine Coast Waterways Authority;
- (3) Section 203B(1)(ba) and (c)—  
*renumber* as section 203B(1)(c) and (d).
- (4) Section 203B(3)(a), ‘or a delegate of the general manager’—  
*omit.*
- (5) Section 203B(3)(b)—  
*omit, insert—*
- (b) if the original decision was made by the Gold Coast Waterways Authority or a shipping inspector who is an employee of the Gold Coast Waterways Authority—the Gold Coast Waterways Authority; or
  - (c) if the original decision was made by the Sunshine Coast Waterways Authority—the Sunshine Coast Waterways Authority.

## **95 Amendment of s 203C (External review of decisions)**

- (1) Section 203C(1), ‘chief executive’—  
*omit, insert—*  
review entity
- (2) Section 203C(3), definition *chief executive*—  
*omit.*
- (3) Section 203C(3)—

[s 96]

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*insert—*

***review entity*** means—

- (a) if the reviewed decision is made by the general manager—the general manager; or
- (b) if the reviewed decision is made by the Gold Coast Waterways Authority—the Gold Coast Waterways Authority; or
- (c) if the reviewed decision is made by the Sunshine Coast Waterways Authority—the Sunshine Coast Waterways Authority.

## **96 Amendment of s 218 (Other matters for regulations)**

- (1) Section 218(3), from ‘subsection,’ to ‘responsible—’—

*omit, insert—*

subsection, the general manager, a waterways authority or the chief executive approved the establishment of a buoy mooring or where a buoy mooring may be established, the general manager, the waterways authority, the chief executive and the State are not, and never have been, responsible—

- (2) Section 218(4), ‘the Gold Coast Waterways Authority’—

*omit, insert—*

a waterways authority

## **97 Amendment of sch 1 (Dictionary)**

Schedule 1—

*insert—*

***Sunshine Coast Waterways Authority*** means the Sunshine Coast Waterways Authority established under the *Sunshine Coast Waterways Authority Act 2026*.

***waterways authority*** means—

- (a) the Gold Coast Waterways Authority; or
- (b) the Sunshine Coast Waterways Authority.

## **Part 11                      Other amendments**

### **98            Legislation amended**

Schedule 2 amends the legislation it mentions.

## Schedule 1 Dictionary

### section 6

***appointed member***, of the board, see section 25(2).

***authority*** means the Sunshine Coast Waterways Authority established under section 8.

***board*** see section 22.

***board meeting*** see section 35(1).

***chief executive officer*** means the authority's chief executive officer appointed under section 44.

***close relative***, of a person, means the person's—

- (a) spouse; or
- (b) parent or grandparent; or
- (c) brother or sister; or
- (d) child or grandchild.

***conviction*** means a finding of guilt or acceptance of a guilty plea by a court, regardless of whether a conviction is recorded.

***criminal history***, of a person, see section 61(5).

***instrument***, for part 8, division 2, see section 64.

***Maritime Safety Queensland*** means Maritime Safety Queensland established under the *Maritime Safety Queensland Act 2002*.

***right***, for part 8, division 2, see section 64.

***signed notice*** means a written notice signed by the person giving the notice.

***Sunshine Coast waterways*** see section 7.

***transfer notice***, for part 8, division 2, see section 65(1).

***waterways management program*** see section 18(1).

***waterways management strategy*** see section 14(1).

## **Schedule 2      Other amendments**

section 98

### **Transport Infrastructure Act 1994**

**1      Section 84C(9), 105K(a), 303(6), 354(7) and 477D(4)  
‘183,’—**

*omit.*

**2      Section 262(1), second dot point—**

*omit.*

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