

Impact Analysis Statement template

Summary IAS

Details

Lead department	Department of Transport and Main Roads
Name of the proposal	Amendments to the <i>Transport Operations (Marine Safety) Regulation 2016</i> to introduce a marine zone for Riverston Bay, Lake Awoonga, Gladstone
Submission type (<i>Summary IAS / Consultation IAS / Decision IAS</i>)	Summary IAS
Title of related legislative or regulatory instrument	<i>Transport Operations (Marine Safety) Regulation 2016</i>
Date of issue	5 October 2023
BRP reference	DTMR0087

What is the nature, size and scope of the problem? What are the objectives of government action?

The *Transport Operations (Marine Safety) Regulation 2016* (the Marine Safety Regulation) allows for entities to apply to the General Manager of Maritime Safety Queensland (MSQ) for an area to be a marine zone. In this case the Gladstone Area Water Board (the Board) gave a proposal to the General Manager of MSQ that the area of Riverston Bay (the Bay) be inserted into Schedule 5 of the Marine Safety Regulation declaring it to be a marine zone.

Entities proposing a marine zone must follow the consultation required by Chapter 8 of the Marine Safety Regulation which is similar to the Office of Best Practice Regulation best practice consultation requirements. This is set out under 'Who was consulted'.

The Bay is an area of Lake Awoonga (the Lake) situated in Gladstone and is a popular area for on-water recreational activities such as fishing, swimming and paddling using non-motorised craft. The Board regulates the safety and security of the area, with support from State emergency services and agencies such as MSQ. The objective of the amendment to introduce a marine zone is to have a safe environment for mixed recreational use of the Lake for swimming, paddling and non-motorised recreational activities.

The Board currently regulates a broader area of the Lake with a 6-knot speed limit along the shoreline to discourage certain speed-based behaviours close to where non-motorised recreational activities are occurring. However, there is a current unacceptable hazard in the allocated area for the marine zone, which is popular for both motorised and non-motorised craft. It is inherently difficult to see swimmers in particular, as well as paddle craft users from other craft. Existing arrangements do not currently address the problem of managing swimmers and paddle craft further out into the Bay as injury or death can still occur from low-speed motorised craft.

The safety risk to swimmers and paddle craft is unacceptable and must be managed by the Board.

The proposed solution is to declare a marine zone to separate motorised ships from other users of the area. While this will restrict areas that motorised ships can operate in, the marine zone is only a very small area of the Lake. Not only will this improve the safety of the area, but it is expected that safety culture will improve into the broader Lake beyond the marine zone. Establishing a safety culture, and allowing the Board to respond with a regulatory response if unauthorised motorised craft are used within the marine zone, further allows MSQ to work towards its goal of zero harm.

An amendment to the definition of government entity in Schedule 9 of the Marine Safety Regulation is also required, because it refers to the Public Service Act 2008, which was repealed in 2022 and replaced with the Public Sector Act 2022. This will not change the substance or effect of the definition. The amendment is minor and machinery in nature and does not require regulatory impact analysis.

What options were considered?

The Board provided the stakeholders and the public a discussion paper with the background to why the marine zone proposal was suggested, what was being proposed and information on how to provide feedback. While options were not presented specifically, the Board provided an open forum for responses to be considered from all avenues. All consultation documents are available for agencies to consider.

MSQ has considered policy options such as:

- Maintaining the status quo, which includes the current 6-knot speed zone.
- Using buoys to require motorised craft to anchor 30 metres from the buoy.
- Rely on the Board to introduce tools, such as CCTV, that will potentially monitor and improve behaviours without zoning or regulatory response.
- Introducing a marine zone.

These options were each deemed unsuitable for the following reasons respectfully:

- Does not address the risk.
- Only restricts ships from anchoring rather than movement, which is a greater risk to swimmers and paddlers.
- Creates a culture that shows the Board is not serious about addressing the present risk, as only warnings could be given to those travelling in unauthorised ships through the area.

Introducing a marine zone allows for adequate risk management and will also improve safety and environmental protection culture throughout the area.

What are the impacts?

The proposed amendments will introduce a marine zone to a small area of the Bay in the Lake, restricting motorised ship users from using the allocated area, impacting people who use the area, both on-water and onshore for any reason.

Positive impacts

Lake users who currently use the Lake for non-motorised recreational activities, such as swimming, fishing and paddling will have access to an area in which they are safe from motorised ships. Further, an area allocated to non-motorised use will have positive environmental and amenity impacts, allowing the Bay to be enjoyed by fauna and people not only from the water, but from the shoreline as well.

Potential negative impacts

The area of the Lake reserved for non-motorised ships impacts motorised ship access to the shoreline of the Bay. This change will see increased use of other areas on the shoreline for motorised craft, which may impact space utilisation on the shoreline.

Addressing negative impacts

Any potential adverse impacts of the proposal are being mitigated as the Board has established a boat ramp and associated parking in a convenient location away from the marine zone, as well as two swimming pontoons, and two boat loading pontoons to separate activities. The proposal does not involve significant adverse impacts as the new facilities will ensure that motorised ships will continue to have ready access to the majority of the Lake. The Board has amended the scope of the marine zone to address concerns raised by stakeholders.

Conclusion

After considering all impacts, this amendment both addresses the immediate issues and supports the Board in its recreational planning to improve the Lake area.

- There is no cost to government.
- There is no cost to Lake users.
- There is no cost to shoreline users.
- It provides greater confidence that the Board is working effectively with government agencies to provide an appropriate level of regulation ensuring Queenslanders' safety.
- The Board is responsible for regulating safety on the Lake, with support from emergency services and MSQ in the event of a serious marine incident.
- This project is run and managed by the Board and therefore there will be no government or public costs associated with this proposal.

There will be a three-month transitional period with education provided to the public through websites, social media, and signage at the site.

Who was consulted?

- Gladstone Harbour Master
- Gladstone Regional Council
- Local established business in the area
- Industry stakeholders
- Local community

Via:

- Newspaper: Gladstone Today and Gladstone News
- Email: key stakeholders
- Radio announcement: ABC Capricornia's Breakfast program
- Signage: at proposed zone area
- Social media posts: the Board's facebook
- Website: the Board's website.

Additionally, the Gladstone Chamber of Commerce and Industry Inc., a not-for-profit organisation offering a range of programs and services to small and medium businesses in the Gladstone Region, gave its support for the Board's Lake Awoonga Recreation Strategy (the Strategy). The Gladstone Area Promotion and Development Ltd. also supported the strategy, noting that the service offerings at the Lake will provide an important growth injection for the market.

Copies of all consultation documents and the Board's annual report are available on request, however the Strategy is a confidential Board document and is unable to be shared by the Department of Transport and Main Roads.

What is the recommended option and why?

MSQ has considered the other policy options listed above and considers each unsuitable because they do not adequately address the risks associated with pairing non-motorised and motorised recreational activities in one area. Maintaining the status quo, which includes the current 6-knot speed zone does not address the risk at all. Using buoys to require motorised craft to anchor 30 metres from the buoy only restricts ships from anchoring rather than movement in the area, which is the greater risk to swimmers or paddlers. Relying on the introduction of monitoring tools to support improved behaviours without zoning or the opportunity for a regulatory response does not address the risk and relies solely on warnings with no follow-up enforcement if needed.

Introducing a marine zone allows the Board to adequately address and manage the safety risk in the area, while also reducing environmental and amenity impacts by allowing fauna and shore-based users to experience the area with reduced motorised noise.

Impact assessment

There are no government costs associated with this proposal.

Signed



Sally Stannard
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Date: 11/3/24



Bart Mellish MP
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Minister for Digital Services
Date: 8/3/24