

GUIDANCE FOR THE MANAGEMENT AND CONTROL OF A PUBLIC MARINE FACILITY – APPOINTED MANAGER

1. This document should be read in conjunction with the requirements of the *Transport Infrastructure Act 1994* (the **Act**) and the *Transport Infrastructure (Public Marine Facilities) Regulation 2023* (the **Regulation**) as amended from time to time. Where any difference or doubt arises, the **Act** and **Regulation** will prevail. Section and subsection numbers quoted below were correct at 1 November 2024 but may vary with future amendments to the legislation.

The **Authority** has been appointed as manager of a **public marine facility** by the Governor in Council under the **Act**, by amendment to the **Regulation**. This document is intended to provide guidance to the manager in performance of its responsibilities.

2. Definitions:

- a. **Authority** means a council, port authority or other person that is appointed or has agreed to be appointed manager of the **public marine facility** under the Transport Infrastructure (Public Marine Facilities) Regulation 2023.
- b. **public marine facility** means public marine transport infrastructure
- c. **public marine transport infrastructure** means **State**-owned or **State**-controlled transport infrastructure relating to Queensland waters, other than port or miscellaneous transport infrastructure
- d. **State** means the State of Queensland acting through the Department of Transport and Main Roads or the Gold Coast Waterways Authority or a wholly-owned government corporation
Note: Maritime Safety Queensland is a branch of the Department of Transport and Main Roads.

3. Attention is drawn to the requirements, as amended from time to time, of:

- a. *Transport Infrastructure Act 1994*
 - 459 – appointment of manager of public marine facility
 - 460 – manager’s responsibility for maintenance and injuries
 - 462 – management by local government (making of local laws)
 - 463 – management by port authority
 - 464 – management by another person
 - 465 – exercise of managers powers to be consistent with conditions
 - 466 – fees
 - 467 – when a manager may resign
 - 469 – regulation prevails over actions taken by a manager under this part
 - 519 – transitional – appointment as manager under the **Act** applies where management of facility was vested by Order in Council prior to the **Act**.
- b. *Transport Infrastructure (Public Marine Facilities) Regulation 2023*
 - Part 2 Management of public marine facilities**
 - Division 1 – Appointment
 - 5 – appointment of manager
 - Division 2 – Conditions of Appointment
 - 6 – application of division
 - 7 – use of public marine facilities
 - 8 – fees for moorings
 - 9 – responsibilities
 - Part 3 Matters relating to boat ramps and landings**
 - Division 1– Control of access and use
 - 10 – application of division (applies only to boat ramps and landings)
 - 11 – control of boat ramps and landings by regulatory notice
 - 12 – directions by authorised officers
 - Division 2 – Offences relating to use of boat ramps and landings
 - 13 – application of division

- 14 – driving or parking vehicles on boat ramps
- 15 – launching or retrieving ships at boat ramps
- 16 – obstructing person's use of boat ramps or landings
- 17 – anchoring, mooring or placing ships near boat ramps or landings
- 18 – maintenance or repairs to ships on boat ramps
- 19 – maintenance or repairs to ships near boat ramps or landings
- 20 – driving or parking vehicles on boat ramps or landings

4. The **Authority** will from the date of appointment as manager of the **public marine facility**:
 - a. manage, control, supervise and administer the public marine facility under the conditions described in the **Regulation**
 - b. maintain the **public marine facility** (see the **Act**, Section 460(1) and the **Regulation**, Section 9)
 - c. meet the costs of:
 - i) management, control, supervision and administration of the **public marine facility**
 - ii) maintenance of the **public marine facility** subject to clause 8 of these Guidelines (see the **Regulation**, Section 9(1)).
5. The **State** recommends that the **Authority** (under the head of power provided by the **Act**, Section 462, 463 or 464) make local laws/exercise its power for the management and control of the **public marine facility**, and the conduct of persons who use it, which local laws/powers should require (but not be limited to requiring) that:
 - a. if a boat ramp, it will be available at all times for use by the public without charge for launching and retrieving of trailer-borne private recreational vessels
 - b. if a landing, it will be available at all times for use by the public without charge for the embarking and disembarking operations of private recreational vessels. The maximum staying time will be determined and displayed on or near the landing
 - c. if a landing, and it provides a queuing facility for an associated boat ramp, it will be available at all times for use by the public for launching and retrieving trailer-borne private recreational vessels at the associated boat ramp
 - d. a boat ramp or landing will not be used for any other purpose except with the express permission of the **Authority** obtained beforehand. In particular, boat ramps and landings will not be used by cranes without prior permission or above prescribed load limits
 - e. the local laws will refer to (and may extend) the acts prohibited under the **Regulation**, Section 7 (Use of public marine facilities)
 - f. the manager will determine whether a landing is to be accessible by vehicles and will pass a local law/notice to that effect and display the ban or maximum load by notice on or near the landing in accordance with the **Regulation**, Section 20 (1) (Driving or parking vehicles on boat ramps or landings)
 - g. the manager will erect a sign stating the maximum load to be applied to a boat ramp. The maximum load will be in accordance with the **Regulation**, Section 20 (1)(b) (Driving or parking vehicles on boat ramps or landings).
6. The **Authority** may enter into agreements with third parties for the non-exclusive use of the **public marine facility** for commercial or other purposes, provided that:
 - a. if the **public marine facility** is a boat ramp, the **Authority** will not enter into an agreement for, or otherwise authorise or permit the use of the boat ramp for the loading or unloading of barges or for the taking on or discharge of cargo, except with the written consent of the **State**
 - b. the **Authority** will not enter into an agreement for the non-private usage of any **public marine facility** unless the approval in writing of the Director-General, Department of Transport and Main Roads (or delegate) is first obtained

- c. the said Director-General (or delegate) will not approve the entering into of an agreement if, in his opinion, the entering into the agreement would unreasonably impede or disturb the recreational use of the **public marine facility**
 - d. the **Authority** may, as part of any such agreement with third parties, issue licences or permits and charge fees. A portion of such fees may, as part of the approval conditions, be set aside for structural maintenance or eventual facility replacement.
7. The local laws/powers, made pursuant to this document and to the **Act** and **Regulation**, may provide for the imposition of fees for parking in a parking area provided by the **Authority** for use in conjunction with the **public marine facility**.
8. Under Section 9(1) of the **Regulation**, the **Authority** will be entitled to claim and receive from the **State**, reimbursement of the cost to the **Authority** of maintaining the **public marine facility**, provided that:
- a. the expenditure was incurred while local laws/powers made in accordance with clause 3 of this document were in force
 - b. the prior approval of the **State** was obtained in relation to that expenditure
 - c. the maintenance was of a structural nature necessary to repair or prolong the life of the **public marine facility** or to render it safe and effective for its purpose
Note: Reimbursable maintenance on the **public marine facility** does not include cleaning, the removal of silt, debris or algal growth or the operational cost associated with lighting or water supply
 - d. the **Authority** has certified that the expenditure was actually incurred in relation only to the maintenance of the **public marine facility** and that no other claim has been made in respect of that expenditure
 - e. the proportion of the maintenance cost incurred by the **Authority** to be reimbursed by the **State** will be as agreed in writing between the **Authority** and the **State**.