GOLD COAST WATERWAYS AUTHORITY

Speed Limits and Behaviour Management Strategy 2018-2020

Queensland Government

Document control sheet

Contact for enquiries and proposed changes

If you have any questions regarding this document, or if you have suggestions for improvements, please contact:

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Our Vision

SUSTAIN. ENHANCE. PROMOTE.

A waterways network (and relevant facilities and reserves) that is sustainably managed to reflect and support an appropriate balance between the recreational, tourism, environmental, economic development and commercial aspirations and objectives of the Gold Coast community and visitors.

Gold Coast Waterways Authority (GCWA) is shining a spotlight on Gold Coast waterways so they become something that residents, visitors and commercial operators can use, understand, respect, protect, enhance and enjoy as much as the region's beaches.

A key part of achieving this vision involves responsibly setting maximum speed limits for locations within the waterways network that accommodate the Gold Coast's rapidly increasing level of water traffic and congestion, to address resilience and specific waterways issues or problems; and at the same time, understand the importance of transport efficiency for water traffic for the effective management of the waterways.

A vessel's speed, the extent of its wash, and compliance with relevant rules and regulations all fall within the control of the vessel's master. GCWA's vision recognises the heavy obligations that rest on all vessel masters to operate their vessels in the waterways safely, including the observance of courteous behaviour towards other waterway users and being mindful of the impact of damaging wash.

Boating activity on Gold Coast waterways is growing steadily, with over 12% of Queensland's recreational boats now located within the Gold Coast region. Based on the most recent statistics available from Department of Transport and Main Roads (TMR), there are now more than 32,000 recreationally registered boats and almost 700 domestic commercial vessels in the Gold Coast local government area. These statistics reinforce the importance of seeking a balanced solution for speed limits and a necessity to promote responsible operations of vessels on our waterways.

Clarification on use of the terms vessel and personal watercraft (PWC) used throughout this Strategy

For Gold Coast waters, the speed limits only apply to 'ships', which is a term defined in the Transport Operations (Marine Safety) Act 1994.

It's also important to understand that different pieces of State and Commonwealth legislation use terms such as 'vessel', 'ship', 'personal watercraft' and 'watercraft', all of which have defined meanings; and that the term 'jet ski' is actually the model name for a Kawasaki personal watercraft.

To ensure no misunderstandings, GCWA would like to clarify that the words ***vessel*** *and* ***PWC*** *will be the terms used in this Strategy to describe all types of boats, other vessels and personal watercraft to which speed limits apply. These include, but are not limited to, canoes, dinghies, ferries, gondolas, kayaks, jet boats, jet skis, PWC, sail boats, tinnies, trawlers, water taxis and any other type of boat or vessel operating on a waterway, however propelled or moved.*

The terms ***vessel*** *and* ***PWC*** *do not include 'watercraft' for which a speed limit does not apply; for example, boogie boards, kiteboards, paddleboards, sailboards, stand-up paddleboards, surf skis, and surfboards; nor does the term vessel include seaplanes.*

A new Strategy

GCWA's new *Speed Limits and Behaviour Management Strategy 2018-2020* (the Strategy) is a guiding framework for responsibly managing speed limits across Gold Coast waterways into the future. It's the next stage in a longer-term process that has actively sought community views through consultations undertaken in 2014 and 2016 that examined the way speed limits are set, monitored and managed on the Gold Coast.

Recommendations from the most recent consultation of around 1,200 respondents in 2016 included:

- promote a wash focus (70%)
- keep it simple – retain a 3-zone system (80%)
- focus on user behaviour (76%), with varying opinions about the role of education versus enforcement
- remove unnecessary 6 knot areas (59%).

The Strategy will guide GCWA's approach to policy, information provision, operations and consultation. As shown in Figure 1 below, it's informed by legislation and aligns with GCWA's 10-year *Waterways Management Strategy 2014-2023*, which establishes a clear direction for the sustainable use, management and development of Gold Coast waterways in a way that benefits all users. It also aligns to the Queensland Government's objectives; in particular, building safe, caring and connected communities.

Figure 1: Flow chart outlining major elements for development and implementation of the *Speed Limits and Behaviour Management Strategy 2018-2020*

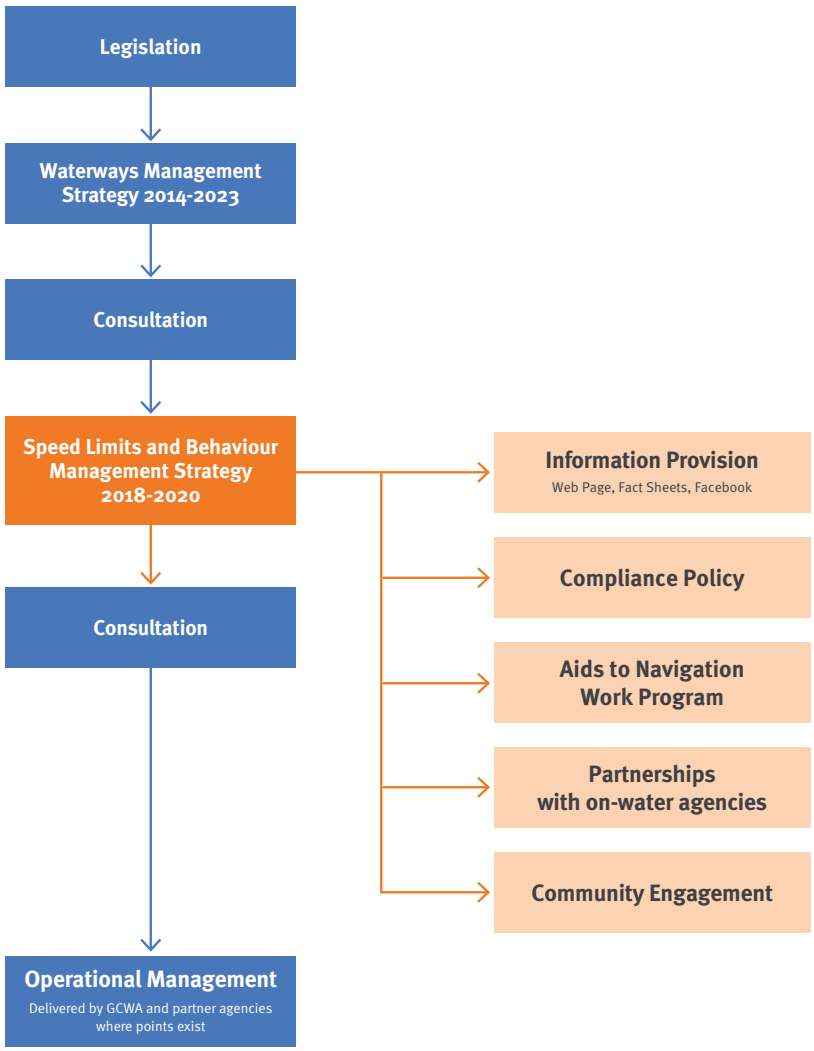
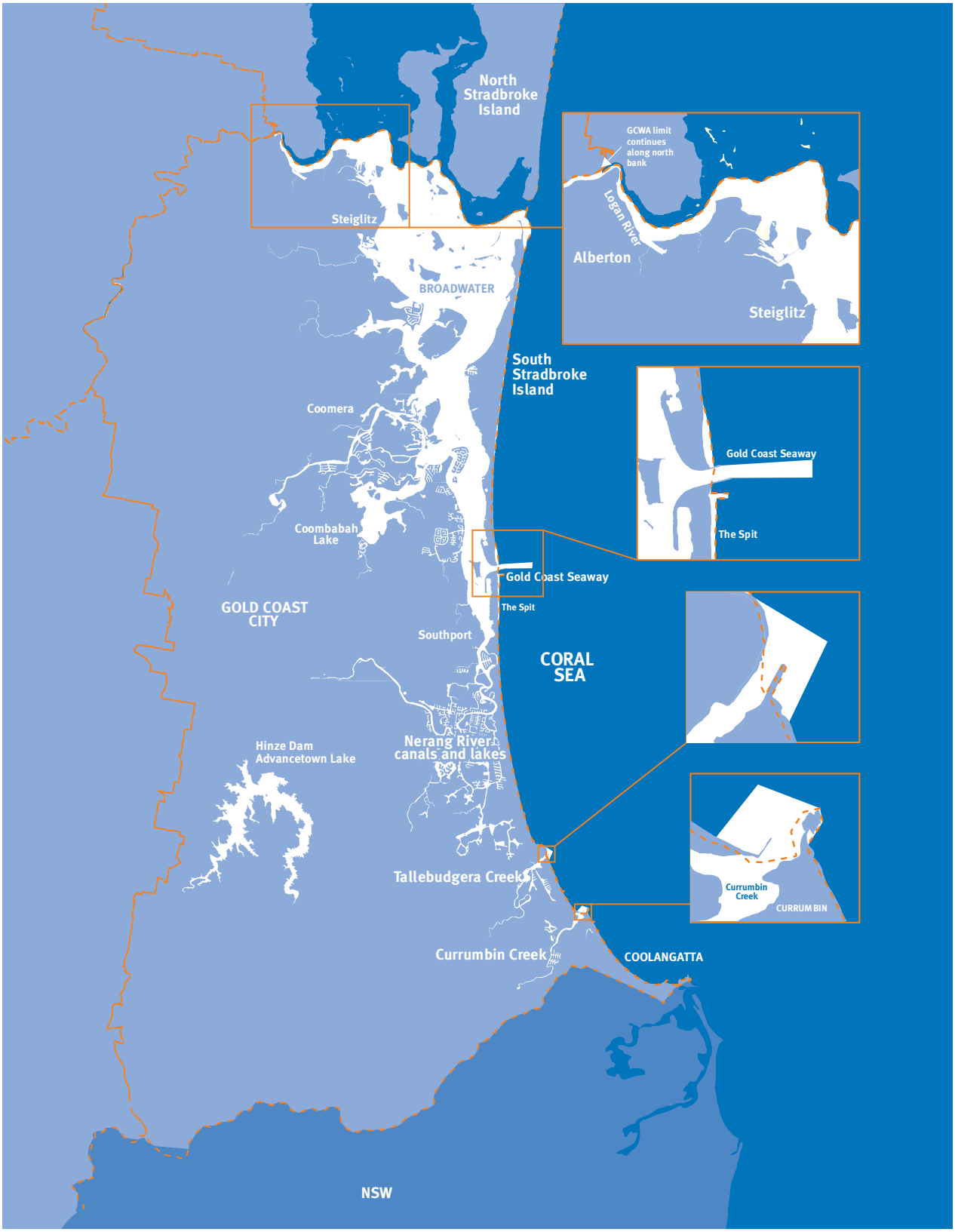


Figure 2 below shows the geographical area of GCWA's jurisdiction.

Figure 2: Gold Coast Waterways Authority area of jurisdiction map



Scope

The scope of this Strategy is confined to GCWA's statutory responsibilities in relation to speed limits and certain on-water behaviour.

For speed limits, this is confined to GCWA's conferred powers under the *Transport Operations (Marine Safety) Act 1994* (TOMSA) to fix speed limits in Gold Coast waters, to achieve the purposes of the *Gold Coast Waterways Authority Act 2012* (GCWA Act).

For behaviour, the actions will be confined to GCWA's conferred powers under the *Transport Infrastructure Act 1994* (TIA), to achieve the purposes of the GCWA Act.

The conferred powers under TIA include mechanisms to address a range of on-water behaviours and activities. However, this Strategy will only deal with the active navigation of vessels and PWC, such as feestyling, and will not include anchoring and living on board a watercraft. Additionally, it will not deal with other types of watercraft, such as kiteboards, stand-up paddleboards or surfboards.

Further, where responsibilities for on-water behaviour rest with another agency, GCWA will work collaboratively with that other agency to improve compliance and enforcement outcomes. For example, speeding offences are enforced by shipping inspectors of Queensland Police Service (namely Gold Coast Water Police) and Queensland Boating and Fisheries Patrol (QBFP), while water skiing is administered by Maritime Safety Queensland (MSQ).

Up front, it's important to understand that GCWA is unable to carry out enforcement functions for speeding offences and certain on-water behaviours, primarily because it's the shipping inspectors of Gold Coast Water Police and QBFP (and to a lesser extent, MSQ) who are charged with the responsibility to enforce these types of matters, but also because GCWA is not resourced for on-water enforcement functions. There are no employees of GCWA appointed as shipping inspectors to enforce speed limits or other unsafe on-water behaviour.

Purpose

This Strategy aligns with GCWA's 10-year waterways management strategy and supports the purposes of the GCWA Act, which are to:

- deliver the best possible management of Gold Coast waterways at reasonable cost to the community and government, while keeping government regulation to a minimum
- plan for and facilitate the development of Gold Coast waterways over the long term in a way that is sustainable and considers the impact of development on the environment
- improve and maintain navigational access to Gold Coast waterways
- develop and improve public marine facilities relating to Gold Coast waterways
- promote and manage the sustainable use of Gold Coast waterways for marine industries, tourism and recreation.

Further, the Strategy supports objectives of both TOMSA and TIA, including to:

- provide a system that achieves an appropriate balance between regulation and enabling the effectiveness and efficiency of the maritime industry
- allow a strategic overview of marine safety and related marine operational issues
- establish a system under which marine safety can be effectively managed
- exercise influence over marine safety in a way that contributes to transport efficiency
- ensure use of waterways for transport purposes is effectively and efficiently managed.

Principles

Underpinning the Strategy are core principles listed below that will form the basis for future GCWA decision-making, both with respect to the priority actions proposed further below and in reference to speed limit issues that may arise now and into the future.

Principle 1:	Establish an evidence-based case for action addressing the problem
Principle 2:	Consider a range of feasible options before a regulatory approach at a reasonable cost to the community and government
Principle 3:	Adopt an option that generates greatest benefit to the community
Principle 4:	Ensure that the intent of the regulatory approach and its requirements are clear
Principle 5:	Ensure that any regulation remains relevant and effective over time
Principle 6:	Consult effectively with key stakeholders
Principle 7:	Action should be effective and proportionate to the issue being addressed

These principles are consistent with the principles for best practice regulation as agreed for all levels of government by the Council of Australian Governments (COAG) in October 2007.

Priorities for action

The following priority actions will drive the Strategy, as well as GCWA's overarching vision to ***Sustain, Enhance and Promote*** Gold Coast waterways:

Priority 1	Priority 2	Priority 3	Priority 4	Priority 5	Priority 6
Adopt a process to review speed limits and make changes where required	Achieve purposes and objectives of legislation	Explain the role and responsibilities of GCWA	Explain the obligations of those who operate vessels and PWC	Explain the role and responsibilities of other on-water agencies	Protect the environment

This approach is designed to achieve a balance between legislative, environmental, social and economic considerations or factors. Priorities are explained in more detail on the following pages and will be implemented as funding becomes available.

Priority 1: Adopt a process to review speed limits and make changes where required

GCWA will adopt a process to review the fixed speed limits within the waterways to ensure an appropriate level of waterways safety and transport efficiency for vessels and PWC.

Speed limit changes will only be made in locations where there's evidence that a change would provide an improved outcome. Where a speed limit change is made, it will be fixed at a level that achieves an appropriate balance between safety and transport efficiency, with consideration to factors such as:

- type and level of water traffic
- character and features of the waterway
- current recreational and commercial activities
- marine industry
- environment.

Priority 1: Actions

Action 1.1: Explain how to report concerns about speed limits
Action 1.2: Listen to the community about waterways concerns
Action 1.3: Apply a problem solving methodology to address speed limit concerns
Action 1.4: Follow the statutory process for fixing a speed limit by way of gazette notice
Action 1.5: Identify and explain proposed speed limit changes

Understanding speed limits

What is a speed limit?

A speed limit is simply the maximum speed that a vessel may travel in a given location; it is nothing more than that.

Just because a speed limit is 40 knots doesn't mean that the vessel master must travel at that speed. Good masters always consider the features and character of the waterway and other vessel traffic, along with general safety obligations and rules of the Collision Regulations.

One of the most important rules is that vessels always travel at a safe speed.

Action 1.1: Explain how to report concerns about speed limits

GCWA will always be happy to receive enquiries or listen to concerns about speed limits, or speed signs, for a particular area of Gold Coast waterways. These enquiries or concerns can be reported directly to GCWA by telephone on 07 5539 7350 or by email to mail@gcwa.qld.gov.au. GCWA will respond to all reports in accordance with its service delivery standards.

Further, complaints about speeding vessels or PWC can be reported directly to either Gold Coast Water Police through Policelink on 131 444, the Policelink Hoon Hotline on 13HOON (134 666), or the Gold Coast office of QBFP on 07 5635 6900. Both of these agencies have powers to investigate and enforce compliance with speed limits, as well as other marine safety regulations and rules.

Requests for exemptions from a speed limit can only be made through MSQ, the State marine safety regulator. It's best to first make enquiries about exemptions with the Gold Coast office of MSQ, so that guidance can be provided on the relevant provisions of TOMSA and the process that must be followed to comply with the statutory requirements.

GCWA does not have any legal power to enforce compliance with speed limits or to exempt a vessel or PWC from a speed limit.

Action 1.2: Listen to the community about waterways concerns

GCWA will always listen to concerns raised by the community and other waterways agencies about speed limits for the waterways and respond as required. This could lead to monitoring of a specific area within a waterway, reviewing historical marine incident data for that area, and the interrogation of other reports or records.

Wherever a concern is raised, GCWA will document the particular type of issue in compliance with its record keeping framework. The documented report will then be managed by GCWA in accordance with the service delivery standards. This could include action by GCWA directly or through formal referral to another on-water agency.

New technologies may also be deployed in problem locations in order to provide GCWA with a better understanding of what's happening on the water and the cause behind a particular problem. This information can then be used to help inform evidence-based waterways management decisions about speed limits.

Action 1.3: Apply a problem solving methodology to address speed limit concerns

GCWA will strive to be responsive to community concerns and emerging waterways issues.

Any change to the speed limit requires a regulatory process with an important first step of examining closely whether there's a problem that can't be solved through existing laws.

When deciding potential changes to speed limits, GCWA will take into consideration a range of factors, including the requirements of legislation, safety implications, key stakeholders views, local conditions, marine incident data, risks and hazards, man-made obstructions, naturally occurring features and the environment, to arrive at a decision that's considered fair and reasonable.

Generally, GCWA will adopt a 7-step methodology for changes to speed limits to ensure best possible waterways management:

» **1. Identify the problem**
» **2. Define that problem precisely**
» **3. Measure the extent of the problem**
» **4. Identify potential solutions**
» **5. Select the most appropriate solution**
» **6. Implement the preferred solution**
» **7. Monitor and review the results of the change.**

This kind of problem solving methodology represents an evidence-based, logical approach that should target and resolve the particular on-water problem. Following from this, any new level of regulation through a changed speed limit should be effective and proportionate to the speeding problem being addressed, and should generate the greatest benefit for the community.

This last point about community benefit often presents a difficult challenge; striking the balance when different user groups have varied and competing interests. However, through the use of this 7-step process, GCWA believes that any change to a speed limit will be reasonable and defensible.

Action 1.4: Follow the statutory process for fixing a speed limit by way of gazette notice

When a decision has been made to change a speed limit, GCWA will produce the text for a gazette notice to be published in the Queensland Government Gazette. Once the notice is published, the new speed limit has effect.

Currently, there are three different speed zones for Gold Coast waters: 6 knots; 40 knots; and a combined 6 knots / 40 knots speed zone, depending on the length of vessel. These gazetted speed limits have on occasions in the past been referred to as a 3-zone speed limit system.

A gazette notice for a speed limit will describe the waterway and may also describe different types of vessels or even certain times of the day. Each gazette notice will be tailored to the problem that it's seeking to address.

Action 1.5: Identify and explain proposed speed limit changes

GCWA will always explain fully any proposed changes to speed limits.

Following the actions of the Strategy, GCWA has examined the existing waterways speed limits and has formed the view that for the most part, these would seem to be appropriate in terms of achieving an acceptable balance for safety and transport efficiency.

GCWA has formed this view following careful consideration to the requirements of relevant legislation, views of stakeholders, local conditions, the type and level of water traffic, the history of marine incidents, man-made obstructions, naturally occurring features and the environment.

Following from this, GCWA will propose 5 initial changes to existing speed limits in locations where evidence justifies a change that would be beneficial and lead to improved waterways outcomes. These proposed speed limits changes are set out on the following pages of the Strategy. Other changes may be made in the future as situations change. Where this is the case, GCWA will follow the approach and processes detailed in this Strategy.

Proposed speed limit change 1	
Location	Broadwater near Crab Island
Current speed limit	Speed limit of 6 knots for all vessels from 8 am to 12 midday. Speed limit of 40 knots for all vessels outside of these hours.
Proposed speed limit	Permanently fix the following: • Speed limit of 40 knots for all vessels less than 8 metres. • Speed limit of 6 knots for all vessels 8 metres in length and over from 8 am to 12 midday.
Justification	Following a trial, and consistent with principles of best practice regulation, this change targets the specific problem of damaging wash caused by the speed of larger vessels navigating the area during organised sailing events. The new speed limit complements the general safety obligation, the Collision Regulations and operational speed limits, and should help to prevent marine incidents.
Other comments	GCWA will erect new speed signs for the new speed limit.

Proposed speed limit change 2	
Location	Coomera River (South Arm)
Current speed limit	Speed limit of 6 knots for all vessels.
Proposed speed limit One (1) year trial	For a trial period of one (1) year, fix the following: • Speed limit of 40 knots for all vessels less than 8 metres. • Speed limit of 6 knots for all vessels 8 metres in length and over. • GCWA will review and assess the success or otherwise of the change at the conclusion of the trial and then make a decision to either permanently fix the speed limits or roll them back.
Justification	Consistent with principles of best practice regulation, this change targets the specific problem of damaging wash caused by the speed of larger vessels navigating the area, while providing improved transport efficiency for smaller vessels that generally create less energy wash when travelling at higher speeds. The new speed limit complements the general saf ety obligation and the Collision Regulations, and should help to prevent marine incidents.
Other comments	GCWA will erect new speed signs for the new speed limit.

Proposed speed limit change 3	
Location	Broadwater near Paradise Point and Sovereign Islands
Current speed limit	Speed limit of 40 knots for all vessels.
Proposed speed limit **One (1) year trial**	For a trial period of one (1) year, fix the speed limit of 6 knots for all vessels and PWC. GCWA will review and assess the success or otherwise of the change at the conclusion of the trial and then make a decision to either permanently fix the speed limits or roll them back.
Justification	Consistent with principles of best practice regulation, this change targets the specific problems of speeding vessels and PWC, as well as damaging wash from larger vessels within the congested waterway, while simplifying the regulatory system for more effective enforcement. The new speed limit complements the general safety obligation, the Collision Regulations, operational speed limits and freestyling prohibitions, and should help to prevent marine incidents.
Other comments	GCWA will erect new speed signs for the new speed limit.

Proposed speed limit change 4	
Location	McCoys Creek
Current speed limit	Speed limit of 40 knots for all vessels less than 8 metres. Speed limit of 6 knots for all vessels greater than 8 metres in length.
Proposed speed limit	New speed limit of 6 knots for all vessels.
Justification	Consistent with principles of best practice regulation, this change targets the specific problem of damaging wash within the confined waterway, consistent with the go slow area for the Moreton Bay Marine Park. The new speed limit also complements the general safety obligation, the Collision Regulations and the operational speed limits, and should help to prevent marine incidents.
Other comments	GCWA will erect new speed signs for the new speed limit.

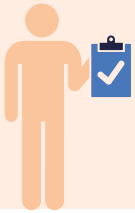
Proposed speed limit change 5	
Location	Jacobs Well
Current speed limit	Speed limit of 40 knots for all vessels.
Proposed speed limit One (1) year trial	For a trial period of one (1) year, fix the following: • Speed limit of 40 knots for all vessels less than 8 metres. • Speed limit of 6 knots for all vessels 8 metres in length and over. • GCWA will review and assess the success or otherwise of the change at the conclusion of the trial and then make a decision to either permanently fix the speed limits or roll them back.
Justification	Consistent with principles of best practice regulation, this change targets the specific problem of damaging wash from larger vessels within the buoy mooring area of the congested waterway. The new speed limit complements the general safety obligation, the Collision Regulations and the operational speed limits, and should help to prevent marine incidents.
Other comments	GCWA will erect new speed signs for the new speed limit.

Priority 2: Achieve purposes and objectives of legislation

This Strategy will achieve the purposes and objectives of relevant legislation, namely the GCWA Act, TOMSA and TIA.

Priority 2: Actions

Action 2.1: Manage the waterways in accordance with the GCWA Act
Action 2.2: Identify legislation that is relevant to speed limits
Action 2.3: Identify legislation that is relevant to other on-water behaviour
Action 2.4: Update the strategy when required to reflect amendments to legislation
Action 2.5: Develop and implement a GCWA compliance policy



Action 2.1: Manage the waterways in accordance with relevant legislation

This Strategy has been specifically developed by GCWA in its role as manager of Gold Coast waterways to achieve the purposes of the GCWA Act, which expressly relies upon TOMSA and TIA. With this in mind, it's critical that GCWA uses the most appropriate statutory tools for the best possible management of speed limits and on-water behaviour.

A fundamental rule of statutory interpretation is that specific provisions in an act prevail over general provisions. For this Strategy, TOMSA provides specific provisions about speed limits for vessels and PWC to achieve its safety objective, while TIA contains provisions to regulate other on-water operations and activities, to achieve its transport objective. Consequently, this Strategy will focus on the specific provisions under TOMSA and TIA rather than the more general provisions of the GCWA Act.

To illustrate, the GCWA Act provides for waterways notices that may be used for the following purposes:

- maintaining or improving the effective and efficient management of Gold Coast waterways
- maintaining fair and reasonable access to public marine facilities
- moving or mooring watercraft, or controlling activities by watercraft in Gold Coast waterways.

The fundamental principle mentioned above establishes that waterways notices are not the appropriate mechanism to regulate the speed of vessels and PWC or other unsafe on-water behaviour, because these problems are specifically addressed by provisions of TOMSA and TIA.

Importantly, section 4 of the GCWA Act expressly provides that the GCWA Act does not affect the operation of TOMSA or TIA.

Therefore, in its role as the waterways manager, GCWA must rely upon its conferred powers under TOMSA and TIA, as well as an ongoing collaborative and co-operative approach, partnering with the other on-water agencies to achieve the best possible management of Gold Coast waterways.

Action 2.2: Identify legislation that is relevant to speed limits

For Gold Coast waterways, the following State legislation is relevant to speed limits:

- *Transport Operations (Marine Safety) Act 1994* (TOMSA)
- *Transport Operations (Marine Safety) Regulation 2016* (TOMSR)
- *Gold Coast Waterways Authority Act 2012* (GCWA Act).

The powers to fix a speed limit and erect a speed sign in Gold Coast waters are conferred on GCWA by specific provisions of TOMSA. The power to fix a speed limit is one of the ways that GCWA achieves the purposes of the GCWA Act.

However, it's important to distinguish between the fixed speed limits under TOMSA and the provisions of TOMSR that establish operational speed limits, referred to in that regulation as the statutory speed.

Fixed speed limits

Fixed speed limits are those speed limits fixed by a notice published in the Queensland Government Gazette (for example, 6 knots in canals, 6 knots in some areas of the Coomera or Nerang Rivers, and 40 knots for some areas of the Broadwater).

A map of these gazetted speed limits for Gold Coast waters can be found at Appendix B on page 38 or on GCWA's website by following this link: http://s3-ap-southeast-2.amazonaws.com/gcwa-www/wp-content/uploads/2017/03/05123455/GCWA-Speed-Limit-Map.pdf

Operational speed limits

Operational speed limits are those speed limits provided by TOMSR's regulatory provisions (for example, 6 knots for vessels within 30 metres of a pontoon, 6 knots for PWC within 60 metres of the shoreline, or 10 knots for PWC within 30 metres of another moving vessel). The operational speed limits are commonly called 'distance off' speed limits because they specify a certain distance for the speed limit.

More information about operational speed limits can be found on MSQ's website by following this link:
https://www.msq.qld.gov.au/Waterways/Speed-limits

It's important to remember that GCWA has no legal power to grant an exemption from a speed limit, either a fixed speed limit or an operational speed limit. Any enquiries about the operational speed limits, or an exemption from any type of speed limit, should be directed to MSQ, as the administering agency for TOMSA.

Go slow areas

Separately, marine parks legislation provides for go slow areas within the Moreton Bay Marine Park, which is administered by Department of Environment and Science (DES), formerly Department of National Parks, Sports and Racing (NPSR). All vessels and PWC must travel off-the plane or in displacement mode, and in a way that minimises the chance of a turtle or dugong being struck, and protects the park's natural values. Importantly, motorised water sports are prohibited.

More information about go slow areas can be found on NPSR's website by following this link:
https://www.npsr.qld.gov.au/parks/moreton-bay/zoning/pdf/go-slow-map2010.pdf

Action 2.3: Identify legislation that is relevant to other on-water behaviour

For Gold Coast waterways, the following State legislation is relevant to the management and regulation of other on-water behaviour:

- *Transport Operations (Marine Safety) Act 1994* (TOMSA)
- *Transport Operations (Marine Safety) Regulation 2016* (TOMSR)
- *Transport Infrastructure Act 1994* (TIA)
- *Transport Infrastructure (Waterways Management) Regulation 2012* (TIWMR)
- *Gold Coast Waterways Authority Act 2012* (GCWA Act).

SOME SPECIFIC ON-WATER BEHAVIOURS ADDRESSED BY THIS LEGISLATION ARE SET OUT BELOW:

Damaging wash

It's an offence against TOMSR where a vessel or PWC travels at a speed that causes damaging wash; in particular, wash that causes a marine incident or wash that causes shoreline damage. On Gold Coast waters, damaging wash is more likely to come from large vessels producing wash that swamps small boats, or which damages vessels moored to jetties and pontoons. It may also come from longer wakeboarding boats specifically designed to produce larger wash for that particular sport.

GCWA regularly receives complaints about wash that either damages pontoons, boats berthed at pontoons, or the shoreline; or endangers waterway users. Wash can be controlled through sensible and courteous operations of vessels and PWC.

The masters of all vessels and PWC must travel at a safe speed and be aware of the wash that's caused by their craft to ensure that it does not adversely affect others using the waterway or harm the natural environment.

Concerns about damaging wash caused by vessels or PWC should be directed to MSQ, Gold Coast Water Police or QBFP.

Control speed

In specific circumstances, TOMSR provides an exception for the operational speed limits and the speed limit for damaging wash.

Summarised, a person does not commit an offence against these statutory speed limits where the vessel or PWC is operated at a speed higher than the speed limit because it's unsafe to operate at a speed less than the control speed for the vessel or PWC. Put simply, a vessel navigating at less than its control speed could lose steerage way and cause a marine incident.

Enquiries about control speed should be directed to MSQ.

Freestyling etc.

Freestyling is the use of a watercraft (including vessels and PWC) in a way that its course or speed is insufficiently predictable to allow another watercraft, if they were in the vicinity, to readily decide on a course and speed to avoid a collision.

TIWMR establishes a management regime for freestyling, surfing and wave jumping within Gold Coast regulated waters. Basically, a person must not use a watercraft to freestyle, surf or wave jump within 30 metres of another watercraft, or within 60 metres of a person in the water.

TIWMR also provides for a number of other freestyling, surfing and wave jumping prohibitions; for example, within 100 metres of the western shore of the Broadwater between the Gold Coast Highway Bridge and the southern tip of Rat Island near the mouth of the Coomera River (South Arm), as well as within 100 metres of the shores of the Sovereign Islands and Ephraim Island.

The full list of Gold Coast regulated waters where freestyling, surfing and wave jumping is prohibited can be found in schedule 1 of TIWMR by following this link: https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2012-0231#sch.1

Separately, TOMSA also provides for a freestyling restriction specifically for PWC within 200 metres of the shore when a residential dwelling is within 100 metres from the shore and visible from where the PWC is being operated. This particular restriction applies for the operations of PWC through Queensland.

Concerns about freestyling may be directed to MSQ, Gold Coast Water Police or QBFP.

Water skiing

Under TOMSR, water skiing involves towing a person with a line behind a vessel or PWC, and also includes activities like bare foot skiing, and riding a toboggan or and inflatable tube. Those undertaking water skiing must also observe lifejacket and observer requirements.

A common misunderstanding is that there are "water skiing areas". The reality is that a person may conduct water skiing activities anywhere on Gold Coast waters, except for those waters where water skiing is prohibited by MSQ because the activity endangers marine safety.

More information about water skiing, as well as information about the gazette notices that establish water skiing prohibitions, can be found on MSQ's website by following this link: https://www.msq.qld.gov.au/Safety/Water-skiing

TIWMR also describes water skiing prohibitions for certain areas within 3 waterways of Gold Coast regulated waters:

- Coomera River (South Arm)
- Nerang River
- Tallebudgera Creek.

The full description for the regulated waters where water skiing is prohibited can be found in schedule 1 of TIWMR by following this link: https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2012-0231#sch.1

MSQ is the administering agency for water skiing prohibitions, with on-water enforcement undertaken by shipping inspectors of Gold Coast Water Police and QBFP.

While GCWA has no power to administer or regulate water skiing, GCWA does have the responsibility for erecting water skiing prohibition signs.

Enquiries about water skiing on Gold Coast waters should be directed to MSQ.

Tallebudgera Creek marine zone

All waters of Tallebudgera Creek have been established as a marine zone under TOMSR, with a requirement that PWC must not be operated in the marine zone.

MSQ is the administering agency for the marine zone, with on-water enforcement undertaken by shipping inspectors of Gold Coast Water Police and QBFP.

While GCWA has no administrative or regulatory powers, MSQ may request GCWA to manage marine safety signs for the marine zone.

More information about marine zones can be found on MSQ's website by following this link:
https://www.msq.qld.gov.au/Waterways/Marine-zones

Enquiries about the Tallebudgera Creek marine zone should be directed to MSQ.

Other on-water behaviour

Finally, TOMSR also provides for some other operating prohibitions and restrictions; for example:

- operations of motorised vessels on Lake Hugh Muntz, Robina Waters and West Lake
- anchoring of vessels and PWC within 10 metres of a boat ramp or jetty
- operations of vessels and PWC within 100 metres of a dam wall, spillway or weir
- operations of vessels and PWC within 30 metres of a diver in the water, providing the diver displays a nearby code A flag, commonly called a dive flag
- using a vessel for tow-in surfing, freestyling and wave jumping on Currumbin Bar and Tallebudgera Creek, subject to conditions.

Similar to water skiing, MSQ is the administering agency for these prohibitions and restrictions, with on-water enforcement undertaken by Gold Coast Water Police and QBFP.

More information about prohibitions and restrictions can be found on MSQ's website by following this link: https://www.msq.qld.gov.au/Waterways/Restricted-areas

Again, enquiries about these other prohibitions and restrictions should be directed to MSQ.

HINZE DAM AND BATHING RESERVES

Recreational activities on Hinze Dam

Hinze Dam is the main drinking water supply for the Gold Coast region managed by Seqwater. Only electric and non-powered vessels may operate on the dam, which means that activities such as water skiing, wake boarding, tobogganing and tubing are not permitted.

Relevant requirements of marine safety legislation (including the general safety obligations and rules of the Collision Regulations) apply on dams, lakes and other inland waters. In the first instance, enquiries or concerns about the operations of vessels on Hinze Dam should be directed to Seqwater.

More information about recreational activities on Hinze Dam can be found on Seqwater's website by following this link: http://www.seqwater.com.au/water-supply/dam-operations/hinze-dam%2A%2A

Operations of vessels and PWC in bathing reserves

The Council of the City of Gold Coast (the City) is responsible for the management, protection and regulation of the Gold Coast's bathing reserves through *Local Law 10 (Bathing Reserves)*.

This particular local law covers a number of things, including:

- operations of vessels and PWC
- use of other aquatic equipment; for example, surfboards, kiteboards and surf skis
- authorised officers and enforcement.

More information about the operations of vessels and PWC in bathing reserves can be found on the City's website by following this link: http://www.goldcoast.qld.gov.au/thegoldcoast/bathing-reserve-3267.html

Action 2.4: Update the strategy when required to reflect amendments to legislation

The GCWA Act, TOMSA and TIA fall within the same Ministerial portfolio of Transport and Main Roads. As such, GCWA shares the same Minister as Department of Transport and Main Roads (TMR), which includes MSQ. GCWA also shares the same building with MSQ, Gold Coast Water Police and QBFP.

GCWA enjoys a close working relationship with MSQ. MSQ convenes quarterly compliance meetings attended by all on-water agencies, including Gold Coast Water Police, QBFP, DES, Seqwater and others. These meetings provide a forum for dealing with emerging on-water compliance issues, as well as the dissemination of updates and other information about marine safety and transport infrastructure legislation.

GCWA will continue its collaborative and co-operative approach with all other on-water agencies, responding to legislative changes and updating the Strategy as required.

It must also be remembered that the GCWA Act, TOMSA and TIA, together with all supporting regulations, are administered by TMR, which means that TMR will take the lead for any future legislative amendment programs.

Action 2.5: Develop and implement a GCWA compliance policy

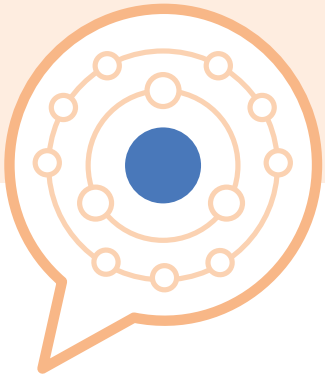
GCWA will develop a new Compliance and Enforcement Policy dealing with those matters that fall within GCWA's jurisdiction, but which will also recognise the frequent overlapping of jurisdictions of the other on-water agencies. The new policy will seek to achieve overall compliance outcomes in co-operation with the other agencies for best possible waterways management.

Priority 3: Explain the role and responsibilities of GCWA

The Queensland Government established GCWA on 1 December 2012 to deliver the best possible management of Gold Coast waterways at reasonable cost to the community and government, while keeping regulation to a minimum.

Priority 3: Actions

Action 3.1: Explain GCWA's role as the waterways manager
Action 3.2: Work collaboratively with other agencies to improve compliance outcomes
Action 3.3: Manage, upgrade and replace speed signs and other marine safety signs
Action 3.4: Explore new technologies to improve waterways management
Action 3.5: Provide information and engage the community in future plans



Action 3.1: Explain GCWA's role as the waterways manager

GCWA is a dedicated body established to manage the development and use of the waterways so they remain clean, safe and accessible now and into the future. For speed and behaviour, GCWA's powers are found in the GCWA Act, TOMSA and TIA

The GCWA Act provides the heads of power to develop and implement both a waterways management strategy and a waterways management program, as well as specific powers to deal with watercraft and property. The strategy and program include things like dredging, construction of public marine facilities, management of land reserves, waterways-related projects, and an aids to navigation work program. The specific powers of the GCWA Act are generally confined to the movement or removal of watercraft and other property through waterways notices.

GCWA is provided with a head of power to fix speed limits in Gold Coast waterways under TOMSA, similar to MSQ for the rest of the State. Interestingly, while GCWA may fix a speed limit, there is no power under TOMSA for GCWA to exempt a person from a speed limit. This specific power is one that TOMSA expressly provides to the general manager of MSQ.

TOMSA also provides for a number of different operational speed limits, which are specific regulatory provisions. Any changes to, or exemptions from, these regulatory provisions may only be considered by MSQ because it is MSQ, as a branch within TMR, that is the agency with the administrative responsibility for TOMSA.

GCWA does not have an enforcement role for any speed limits, either fixed speed limits or operational speed limits.

GCWA also has conferred powers under TIA to achieve objectives related to the effective and efficient management of waterways for transport purposes, specifically to deal with anchoring and living on board restrictions for watercraft in Gold Coast waters. These powers are beyond the scope of this Strategy.

However, TIWMR, the regulation made under TIA, also contains provisions to deal with other on-water activities such as freestyling. Similar to the enforcement of speed limits under TOMSA, GCWA does not have an enforcement role for these types of activities; the enforcement role is undertaken by Gold Coast Water Police and QBFP.

Action 3.2: Work collaboratively with other agencies to improve compliance outcomes

GCWA will continue to monitor the waterways to better understand the characteristics of water traffic and the level of compliance with speed limits and other on-water requirements. This could include monitoring through a camera network or field operations. It will also take into account data obtained from the on-water enforcement agencies through their in-the-field experience.

GCWA's approach to speed limits is one that considers all waterways users, adjacent property owners and the environment, but which is evidence-based, practical, and takes into consideration all relevant factors.

GCWA will encourage waterways users to continue being courteous and responsible and to report any concerns about speeding and other unsafe on-water behaviour to the agencies with the resources and legislative power to respond. This will result in quicker resolution of reported problems and make for a more enjoyable experience for all who use the waterways. It should also greatly assist the enforcement agencies to deal with those who are not complying with the law.

GCWA recognises the important role that a visual policing presence, continual compliance monitoring, and active enforcement plays as a deterrent to non-compliant on-water behaviour. Therefore, GCWA will actively work with the other on-water enforcement agencies to encourage a greater presence of enforcement officers on the waterways, identify problem areas that may require special attention, and assist, where possible, to implement solutions that will provide better outcomes in relation to compliance and enforcement.

Where GCWA receives reports from the community about speeding vessels and PWC or other types of unsafe on-water behaviour, it will immediately refer those reports to the on-water enforcement agencies.

GCWA will also actively participate in compliance problem solving with MSQ through attendance at their quarterly compliance meetings.

Action 3.3: Manage, upgrade and replace speed signs and other marine safety signs

TOMSA provides a head of power for GCWA to erect speed signs and other marine safety signs that communicate requirements for on-water activities. TOMSA also creates offence provisions for damaging or interfering with speed signs and other types of marine signs.

GCWA will continue its biennial aids to navigation work program that incorporates the review, establishment, upgrade and replacement of marine signs.

MSQ has produced a catalogue for marine safety signs, which GCWA will regard as the primary reference for speed signs and other marine safety signs in Gold Coast waterways.

The speed signs for fixed speed limits are similar to the speed signs erected for roads, except that the speed indicated by the sign is the speed in knots (1 knot is equal to 1.852 km/h). The speed signs for operational speed limits usually include a graphical representation or words to describe the regulation, along with the speed in knots.

Action 3.4: Explore and trial new technologies and encourage innovation (to improve waterways management)

The Gold Coast's waterways are a large expanse of inter-connecting and individual water bodies that provide more than 260 kilometres of navigable waters. Due to the sheer size and complexity of the waterways, it is not possible for the responsible agencies to monitor and manage every square kilometre of the waterways continuously.

In an effort to take a smarter and less resource intensive approach to general waterways management, GCWA intends to explore whether new technologies, such as drones (monitoring and auditing), fixed cameras (vessel movements and congestion), LED signs (communications), a waterways app for smart devices, as well as other similar new technologies or innovations, could be used to help improve outcomes and efficiencies.

It's important to highlight that this priority action primarily relates to making changes that support and enhance waterways management; it is not expressly intended for enforcement purposes.

Action 3.5: Provide information and engage the community in future plans

GCWA will develop a page on the GCWA website that's dedicated to speed limits and behaviour management where relevant information will be provided to the community.

The information that GCWA intends to make available on the website will include:

- this Strategy
- a map for Gold Coast speed limits
- links to other relevant information.

The current map for Gold Coast speed limits can be found at Appendix B on page 38.

GCWA will continue to seek community feedback through facilitating opportunities for direct, face-to-face communication. This will include stakeholder briefings, provision of information, as well as large-scale community consultation.

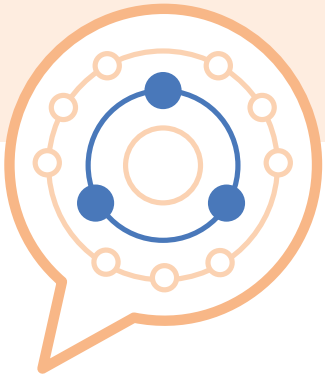
Since it was established, GCWA has achieved an excellent response rate for online surveys and it will continue to use this successful communication tool to ensure that stakeholder feedback informs future strategy and direction.

Priority 4: Explain the obligations of those who operate vessels and PWC

GCWA will identify the relevant obligations and requirements that are imposed upon the operators of vessels and PWC under legislation.

Priority 4: Actions

Action 4.1: Identify the general safety obligation for safe operations
Action 4.2: Identify the operators' responsibilities for speed limits and behaviour
Action 4.3: Support other agencies in their work to educate waterways users
Action 4.4: Develop and publish new material to promote safer on-water operations



General enquiries received by GCWA suggest there's a lack of understanding by some community members about the obligations and requirements that should be understood by the operators of vessels and PWC in the waterway.

Action 4.1: Identify the general safety obligation for safe operations

There's an assumption and an expectation that the operators of all vessels and PWC (both Queensland regulated ships and Commonwealth domestic commercial vessels) will understand and comply fully with the following:

General safety obligation (for Queensland regulated ships)

The *Transport Operations (Marine Safety) Act 1994* (Qld) imposes a general safety obligation on the owners and masters of all vessels and PWC to operate their vessels and PWC safely at all times. Further information about the general safety obligation can be found on MSQ's website by following this link: https://www.msq.qld.gov.au/Safety

Enquiries about the general safety obligation should be directed to MSQ.

General safety duty (for Commonwealth domestic commercial vessels)

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) imposes a general safety duty on the owners and masters of all domestic commercial vessels. A fact sheet with information about general safety duties for domestic commercial vessels can be found on the website of the Australian Maritime Safety Authority (AMSA) by following this link: https://www.amsa.gov.au/forms-and-publications/Fact-Sheets/AMSA678.pdf

Enquiries about the general safety duty should be directed to AMSA or MSQ.

Collision Regulations

TOMSA gives effect to the *International Regulations for Preventing Collisions at Sea 1972*, commonly called the Collision Regulations. The rules of the Collision Regulations set out positive obligations for the operators of vessels and PWC navigating the waterways.

The Collision Regulations include rules about maintaining a proper lookout, navigating at a safe speed, taking action to avoid a collision, passing and overtaking, as well as rules for lights and sounds. More information about the Collision Regulation can be found on MSQ's website by following this link: https://www.msq.qld.gov.au/Safety/Collision-regulations

Enquiries about the Collision Regulations should be directed to MSQ.

Marine incident data shows that vessels and PWC are grounding, colliding or coming into close quarters with each other simply because operators are unaware of what is happening within and around them on the waterway. In other words, the masters lack situational awareness.

The masters of vessel and PWC must have a good perception of their surroundings at all times; comprehend what's happening around the vessel, carefully consider their course and speed, and then take action to adjust the vessel operation accordingly. This includes the extent of vessel wash they are creating and the impact it has on the environment and others in the waterway.

More information about situational awareness can be found on MSQ's website by following this link: https://www.msq.qld.gov.au/Safety/Situational-awareness.

Action 4.2: Identify the operators' responsibilities for speed limits and behaviour

The masters of vessels and PWC must comply fully with all marine speed limits, prohibitions, restrictions and other operational requirements for the waterways.

For speed limits, just because the speed limit has been fixed at a particular limit, this doesn't mean that a vessel or PWC must navigate the waterway at that speed; the master must always navigate to the conditions.

There are many factors that good masters must consider for safe navigation, such as:

- own qualifications, experience, skill and knowledge
- operational characteristics of their own vessels
- character or natural features of the waterway
- type of vessel traffic
- volume of vessel traffic
- prevailing sea and weather conditions
- any other hazards of the waterway
- fixed and operational speed limits
- any other regulatory provisions (for example, water skiing prohibitions or freestyling restrictions).

In addition to fundamentals like the general safety obligation and the Collision Regulations, good masters familiarise themselves fully with all relevant rules and regulations for the waterways on which they intend to operate their vessels of PWC.

Good decisions that follow from a good knowledge of the requirements of law, together with careful consideration to factors like those mentioned above, lead to good seamanship and the safer operation of vessels and PWC.

Action 4.3: Support other agencies in their work to educate waterways users

GCWA's jurisdiction as the waterways manager extends to all of Gold Coast waters, which comprise both tidal and non-tidal waters, and includes southern parts of the Moreton Bay Marine Park.

However, there are a number of State agencies with functions that include interrelated responsibilities. For example, both Gold Coast Water Police and QBFP enforce speed limits and other unsafe on-water behaviour, MSQ monitors and inspects vessels to ensure they're safe, and DES regulates activities of vessels and PWC in the Moreton Bay Marine Park.

No single agency is able to deal with all waterways-related issues or problems; best possible waterways management can only be realised through partnerships and collaborative efforts.

Where possible, GCWA will support the other on-water agencies in their work to educate the boating public for safer and responsible operations of vessels and PWC.

Action 4.4: Develop and publish material to promote safer on-water operations

GCWA will consider development of new material to inform users and other stakeholders about the rules and regulations that apply to speed limits and behaviour within Gold Coast waterways.

Examples of material currently under consideration include:

- e-Newsletters
- fact sheets
- targeted social media campaigns
- FAQs
- new maps and diagrams
- updates to this Strategy.

Priority 5: Explain the role and responsibilities of other on-water agencies

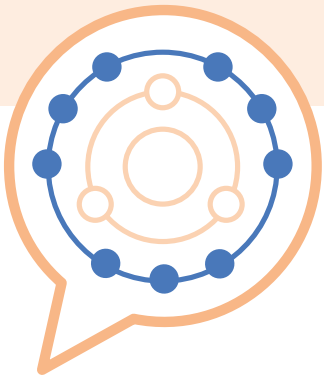
Besides Queensland Government departments and the local government, there are other organisations with an interest in the activities of vessels and PWC on Gold Coast waterways.

Priority 5: Actions

Action 5.1: Identify the other agencies with an on-water role to play

Action 5.2: Explain the main role of the other on-water agencies

Action 5.3: Identify the lead agency for common on-water enquiries and problems



It's apparent from the extensive feedback and community consultation completed by GCWA that there still seems to be confusion about certain aspects of compliance and enforcement of speed limits, in particular:

- *GCWA's role and responsibilities*
- *the roles and responsibilities pf other government agencies*
- *the role and responsibility of vessel and PWC operators.*

This section should help the community gain a better understanding of who they should contact for enquiries or complaints about particular waterways matters.

Action 5.1: Identify the other agencies with an on-water role to play

In addition to GCWA, there are a number of other agencies, entities and organisations with an interest in activities on Gold Coast waterways:

- Queensland Police Service – Gold Coast Water Police
- Department of Agriculture and Fisheries – Queensland Boating & Fisheries Patrol
- Department of Transport and Main Roads – Maritime Safety Queensland
- Department of Environment and Science – Queensland Parks and Wildlife Service (formerly Department of National Parks, Sports and Racing and Department of Environment and Heritage Protection)
- Department of Natural Resources, Mines and Energy
- Department of Justice and Attorney-General – Workplace Health and Safety Queensland
- Volunteer Marine Rescue – VMR Southport
- Australian Volunteer Coast Guard – Coast Guard Southport
- Seqwater
- City of Gold Coast.

The contact details for each of these other agencies can be found in Appendix C on page 39.

Action 5.2: Explain the main role of the other on-water agencies

Queensland Police Service – Gold Coast Water Police

The Water Police is a specialist unit of Operations Support Command of the Queensland Police Service. Their primary roles are search and rescue activities and law enforcement on the waterways. For example, the Water Police can undertake the investigations of stolen vessels and other criminal activity on the water.

Another important role of the Water Police is the investigation of serious and fatal marine incidents to establish evidence for criminal behaviour. Where a fatal marine incident occurs, the Water Police will investigate from a criminal perspective and also prepare a report for the coroner.

Gold Coast Water Police work closely with, and provide support to, other on-water agencies such as GCWA, QBFP and MSQ. They also support Commonwealth agencies like Australian Federal Police and Australian Border Force.

For on-water enforcement, certain police officers may have enforcement powers of authorised persons under TIA, while certain police officers of the Gold Coast Water Police may also be appointed as shipping inspectors with enforcement powers under TOMSA.

Department of Agriculture and Fisheries – Queensland Boating and Fisheries Patrol

Queensland Boating and Fisheries Patrol (QBFP) is a work unit within the Fisheries service area of Department of Agriculture and Fisheries (DAF). Their roles are to enforce fisheries and boating safety laws through surveillance and inspection, as well as to deliver fisheries and boating related education.

Another important role of QBFP is the investigation of marine incidents to establish whether there has been a contravention of TOMSA.

The Gold Coast office of QBFP also works closely with, and provides support to, GCWA, DES, Gold Coast Water Police and MSQ. QBFP provides quarterly reports of its on-water enforcement activities to MSQ.

Certain officers of QBFP may be appointed as both authorised persons under TIA and shipping inspectors under TOMSA with the relevant enforcement powers.

More information about QBFP is available on the DAF website by following this link:
https://www.daf.qld.gov.au/fisheries/services/queensland-boating-and-fisheries-patrol

Queensland Government

Department of Transport and Main Roads

Department of Transport and Main Roads (TMR) – Maritime Safety Queensland (MSQ)

Maritime Safety Queensland (MSQ) is a branch of Department of Transport and Main Roads (TMR) within the Customer Services, Safety and Regulation Division. Their role is to protect Queensland's waterways and the people who use them – providing safer, cleaner seas.

MSQ is responsible for:

- improving maritime safety for shipping and small craft through regulation and education
- minimising vessel-sourced waste and responding to marine pollution
- providing essential maritime services such as aids to navigation and vessel traffic services
- encouraging and supporting innovation in the maritime industry.

MSQ is also responsible for delivering a range of services on behalf of the national regulator (the Australian Maritime Safety Authority) under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Another important role of MSQ is the case management of all reported marine incidents throughout Queensland, as well as the direct investigation of certain categories of marine incidents, particularly those that involve domestic commercial vessels or vessels that might be unseaworthy.

Certain MSQ officers are appointed as shipping inspectors with enforcement powers under TOMSA, as well as authorised persons with enforcement powers under TIA.

More information about MSQ can be found on their website by following this link: https://www.msq.qld.gov.au/

Queensland Government

Department of National Parks, Sport and Racing

Department of National Parks, Sport and Racing (NPSR)* – Queensland Parks and Wildlife Service (QPWS)

Queensland Parks and Wildlife Service (QPWS) is a division within Department of National Parks, Sport and Racing (NPSR). Their role is to protect and conserve the values of the natural marine environment of the Moreton Bay Marine Park while allowing for its sustainable use. They protect habitats including mangrove wetlands, seagrass beds, mudflats, sandbanks, beaches, rocky outcrops and fringing reefs.

The marine parks legislation provides for:

- designated mooring areas
- go slow areas for vessels and PWC
- protection of habitat, marine flora and fauna.

The enforcement powers of rangers for the marine park are confined to those under marine parks legislation. The rangers do not have powers under TOMSA or TIA.

More information about QPWS and the Moreton Bay Marine Park can be found on NPSR's website by following this link:
https://www.npsr.qld.gov.au/

Queensland Government

Department of Environment and Heritage Protection

Department of Environment and Heritage Protection (EHP)*

Department of Environment and Heritage Protection (EHP) is committed to a vision of a healthy and resilient environment for a sustainable and prosperous Queensland. Their role includes:

- **environmental protection** – avoiding, minimising or mitigating impacts to the environment
- **species and ecosystem protection** – protecting the integrity of Queensland's ecosystems
- **heritage protection** – protecting Queensland's heritage places.

EHP has legislative powers to investigate and prosecute individuals who either behave or operate their vessel or PWC in a manner that results in negative impacts to the environment, plants and animals, the ecosystem and/or features that are considered to have heritage significance.

Environmental legislation provides for protection of the marine environment to ensure that marine mammals can live naturally in Queensland waters without being disturbed, while at the same time allowing safer interaction with humans. Some of these provisions are:

- approach distances, caution zones, no approach zones
- 3 boat rule
- rules for when a marine mammal approaches a vessel or PWC
- rules for when a marine mammal appears disturbed
- special management declarations (for example, the white whale Migaloo)
- rules for general boating around marine mammals.

More information on the rules for watching marine mammals can be found at EHP's website by following this link:
http://www.ehp.qld.gov.au/wildlife/watching/marine-mammals/rules.html

** The former departments of NPSR and EHP are merging to form the new Department of Environment and Science (DES). The functions of NPSR and EHP described above will continue to be performed by the new DES.*

Queensland Government

Department of Natural Resources, Mines and Energy

Department of Natural Resources, Mines and Energy (NRME)

NRME's role is to ensure the responsible and sustainable use of the State's natural resources – water, land, minerals and energy – for the benefit of current and future generations of Queenslanders.

NRME's strategic objectives are:

- sustainable management of Queensland's land and water resources
- responsible use of minerals and energy resources
- accurate, timely knowledge of property and spatial information resources.

More specifically, NRME administers the following:

- leases for land and property including land beneath the high water mark
- water management including water quality monitoring and catchment planning
- mapping including production of geospatial maps, flood mapping, imagery and data.

More information about NRME can be found on their website by following this link: https://www.dnrm.qld.gov.au/

Queensland Government

Department of Justice and Attorney-General

Department of Justice and Attorney-General – Workplace Health and Safety Queensland (WHSQ)

Workplace Health and Safety Queensland (WHSQ) is responsible for improving workplace health and safety in Queensland and to reduce the risk of workers being killed or injured on the job. For on-water activities, this includes:

- diving and snorkelling
- general diving work – such as scientific, photographic, film making, marine harvesting and aquaculture
- high risk diving work – such as construction, salvage repair and inspection work
- recreational diving and snorkelling
- recreational technical diving.

For diving and snorkelling, there are a number of important safety considerations:

- dive plans and risk management
- diving and snorkelling equipment
- emergencies, injury and illness
- diving resources
- log keeping and head counts
- diving safety alerts
- qualifications and competency, as well as medical fitness
- supervision.

More information about diving and snorkelling can be found on WHSQ's website by following this link:
https://www.worksafe.qld.gov.au/diving-snorkelling

Australian Volunteer Coast Guard Association (Coast Guard)

The Australian Volunteer Coast Guard Association (Coast Guard) is an organisation composed entirely of volunteers whose role is to promote boating safety through education and to provide rescue services in support of the Water Police.

Some other services provided by the Coast Guard include:

- radio monitoring
- safety patrols
- vessel assistance and tracking
- basic seamanship and coastal navigation classes
- marine radio classes
- boat licence courses.

Coast Guard does not have any legislative powers in relation to enforcement, compliance and/or management of waterways speed limits and behaviour.

More information about Coast Guard can be found on their website by following this link: https://coastguard.com.au/

Marine Rescue Queensland (commonly referred to as VMR)

Marine Rescue Queensland, formerly known as Volunteer Marine Rescue (VMR), is also an organisation composed entirely of volunteers whose main aim is the protection of life and property at sea and, similar to Coast Guard, provide rescue services in support of the Water Police.

Some other services provided by VMR include:

- radio monitoring
- safety patrols
- vessel assistance and tracking
- basic seamanship and coastal navigation classes
- marine radio classes
- boat licence courses.

Again, like Coast Guard, VMR does not have any legislative powers in relation to enforcement, compliance and/or management of waterways speed limits and behaviour.

More information about VMR can be found on their website by following this link: http://marinerescueqld.org.au/

Seqwater

Seqwater is a statutory authority (the Queensland Bulk Water Supply Authority) established under the *South East Queensland Water (Restructuring) Act 2007*.

Seqwater delivers a safe, secure and reliable water supply to South East Queensland, and provides essential flood mitigation services and catchment health management. This includes management of dams, weirs, and conventional water treatment plants, as well as and climate resilient sources of water through the Gold Coast Desalination Plant and the Western Corridor Recycled Water Scheme.

Seqwater's responsibilities include the management of Hinze Dam and the recreational activities permitted on the dam. Information about boating on Seqwater controlled lakes and dams can be found in a fact sheet called Play It Safe, which can

be found on Seqwater's website by following this link: http://www.seqwater.com.au/sites/default/files/PDF%20Documents/Recreation/2015-16%20Play%20it%20safe%20-%20fact%20sheet%20-%20boating.pdf

Certain employees of Seqwater are appointed as shipping inspectors with enforcement powers under TOMSA.

More information about recreational activities on Hinze Dam can be found on Seqwater's website by following this link: http://www.seqwater.com.au/

CITY OF GOLDCOAST™

City of Gold Coast

The Council of the City of Gold Coast (the City) is responsible for the planning and delivery of services and projects to make the City a functional, thriving, sustainable and attractive place to live and carry out business.

Some of the City's responsibilities extend to the waterways, including:

- noise complaints (refer to the City's fact sheet entitled Noise Pollution: Power boat sports on waterways by following this link: http://www.goldcoast.qld.gov.au/documents/bf/noise-operating-powerboats.PDF)
- land-sourced marine pollution
- public marine facilities, such as boat ramps and pontoons
- maintenance of canals, including dredging to achieve design profiles
- management of the City's bridges over the waterways
- performing the role of assessment manager for development applications (for example, tidal works)
- management of bathing reserves.

More information about the City's role for waterways, noise and pollution can be found on its website by following this link: http://www.goldcoast.qld.gov.au/default.html

Action 5.3: Identify the lead agency for common on-water enquiries and problems

Following from GCWA's earlier consultations on speed limits and behaviour, it became apparent that there are still misunderstandings, a level of confusion, and even a general lack of knowledge about the roles and responsibilities of the different on-water agencies.

Interestingly, it also became apparent that there may be some misunderstandings even amongst the on-water agencies about their respective roles and responsibilities, or the extent of their statutory jurisdiction.

To help everyone better understand the roles and responsibilities of the different on-water agencies, GCWA has produced a new reference tool in the form of a table that identifies:

- all of the respective on-water agencies
- the common on-water enquiries and problems
- which agency is best placed to respond to the particular issue or problem.

The new table called ***Who's Who in the Blue*** can be found at Appendix A on page 36.

Priority 6: Protect the environment

GCWA will work collaboratively with environmental agencies to support their work to address environmental issues or problems. This could include ensuring that a new speed limit complements the zoning plan for the Moreton Bay Marine Park or erecting a speed sign that highlights the problem of damaging wash.

Priority 6: Actions

Action 6.1: Ensure speed limits complement the Moreton Bay Marine Park zoning plan

Action 6.2: Erect signs that complement matters of environmental concern

Action 6.3: Direct environmental enquiries and complaints to the appropriate agency

GCWA fully understands the community's concerns about water quality, bank erosion, loud noise from vessels and PWC, and even litter and rubbish in our waterways.

However, it's important to remember that GCWA's functions are confined by transport and marine safety legislation. There are other agencies with expertise and specific statutory responsibilities for these types of matters and who are much better equipped to respond.

This section should help the community gain a better understanding of what GCWA can do to help them with environmental concerns.

Action 6.1: Ensure speed limits complement the Moreton Bay Marine Park Zoning Plan

Generally, the Moreton Bay Marine Park extends north from the Gold Coast Seaway and encompasses most of the waterways to the northern boundary of GCWA's geographical area of responsibility. Gold Coast waters include two marine national park zones, namely McCoys Creek and Coombabah Lake. Because of their higher environmental values, these zones are given higher level protection under the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

GCWA will fix speed limits with consideration to the Moreton Bay Marine Park zoning plan.

For example, GCWA will propose a new speed limit of 6 knots for all vessels and PWC operating in McCoys Creek because the natural features and character of the creek require navigation at a slower speed. This proposed speed limit complements the existing go slow area under the zoning plan to protect the higher level of natural values for this particular waterway. A map showing the locations for the go slow areas in the Moreton Bay Marine Park can be found by following this link: https://www.npsr.qld.gov.au/parks/moreton-bay/zoning/pdf/map5-goslowareas.pdf

More information about the Moreton Bay Marine Park zoning plan can be found on NPSR's website by following this link: https://www.npsr.qld.gov.au/parks/moreton-bay/zoning/pdf/map1-zoning.pdf

Action 6.2: Erect signs that complement matters of environmental concern

From time to time, GCWA receives reports about the damaging wash from speeding vessels and PWC; in particular, wash that may contribute to bank erosion or which causes damage to pontoons and berthed vessels.

GCWA will carefully consider these reports and investigate speed signs that highlight the operational speed limit for wash (for example, speed signs that include the words 'reduce wash' or 'no wash').

A unique situation exists in the Coomera River (North Arm) where GCWA has erected signs warning of kangaroos crossing the river, in an effort to make boaties aware of animals that may be in the water and to take care in the area.

GCWA will continue to service and maintain all speed signs and other marine safety signs as part of its waterways program.

Action 6.3: Direct environmental enquiries and complaints to the appropriate agency

It must be remembered that GCWA has no enforcement powers to manage non-compliant behaviour that results in harm to the environment. This includes activities of speeding boats, damaging wash, loud noise, rubbish in the waterways and littering, as well as other anti-social behaviour on the waterways.

Where a person contacts GCWA to report an activity or behaviour for which GCWA has no legislative power to manage or respond, then GCWA will either refer the report directly to the most appropriate agency, or if the level of matter requires it, then direct the person to that agency.

Looking to the future

To deliver an effective and consistent approach to managing speed limits and waterways behaviour for the next decade and beyond, GCWA will develop an implementation plan to assist with the delivery of the priority actions. The plan will draw from this Strategy and incorporate feedback from stakeholders via GCWA's community consultation program.

This Strategy and the implementation plan will help GCWA to better manage speed and behaviour on Gold Coast waterways by providing a framework designed to consistently guide decision-making, actions and activities so that GCWA can reach long-term goals aimed at benefiting all stakeholders.

Stay informed

We invite members of the community – both on and off the water – to stay informed about the *Speed Limits and Behaviour Management Strategy 2018-2020* by visiting our website at www.gcwa.qld.gov.au

Appendix A: Who's Who in the Blue

Table 1: Agencies with responsibilities for various speed limit, operator behaviour and other waterways matters across Gold Coast waterways.

LEGEND:
- ✔ Lead agency that should be contacted in the first instance
- ✔ Support agency that may assist the lead agency (if required)
- ✖ Agency with no role or responsibility for the enquiry or problem.

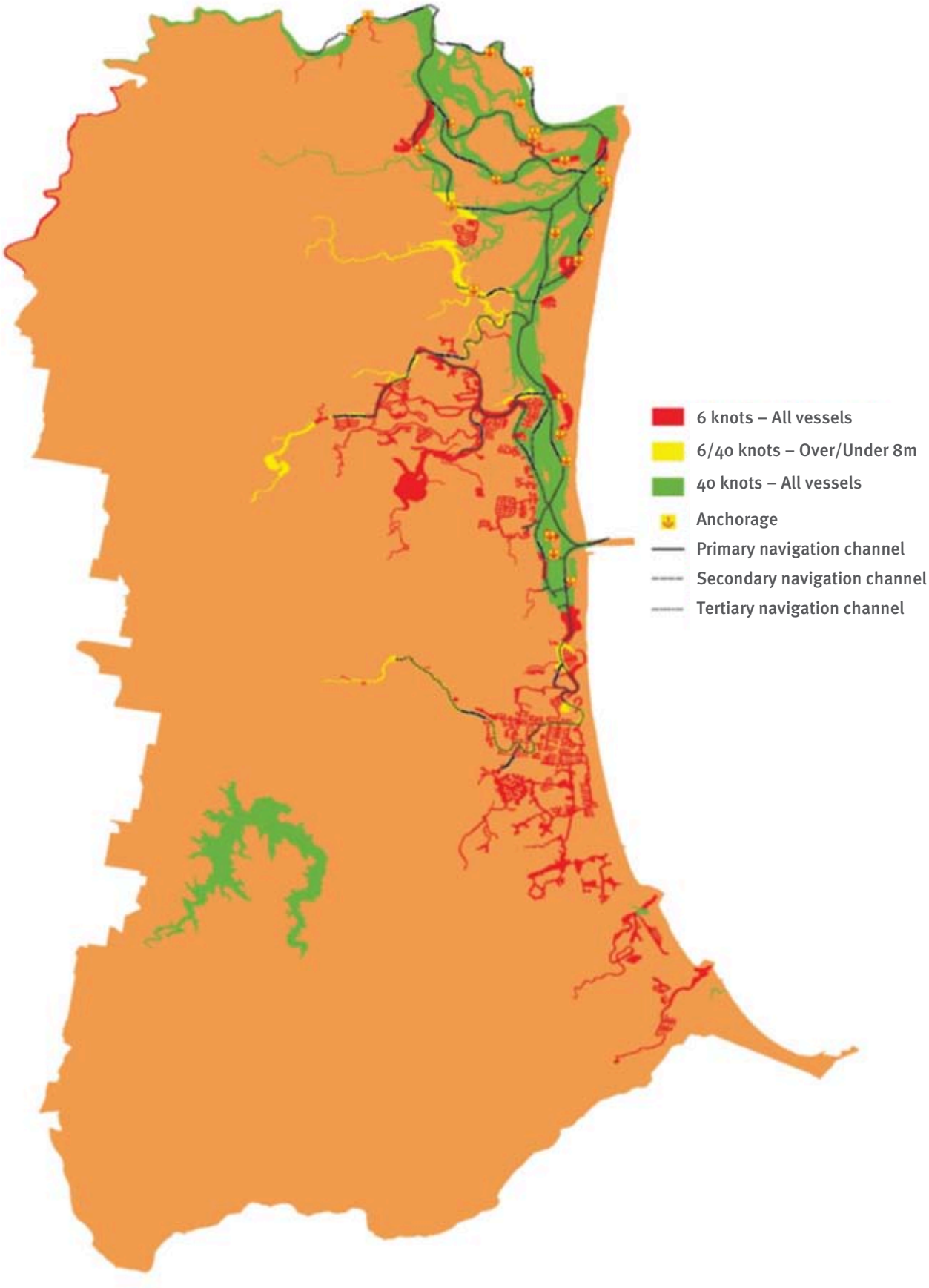
	AGENCY										
Enquiry or Problem	GCWA	Water Police	QBFP	MSQ	City of Gold Coast	NPSR*	EHP*	Seqwater	WHSQ	VMR & Coast Guard	DAF
Speed enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Vessel wash enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Tinnie rats enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
30m & 60m 6kts speed enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Freestyling enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Marine incident investigation	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Other boating safety enforcement	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Alcohol and drug enforcement	✖	✔	✖	✔	✖	✖	✖	✖	✖	✖	✖
Stolen vessels and other property	✖	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖
Other on-water criminal activities	✖	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖
Unlicenced vessel & PWC masters	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Buoy mooring compliance	✔	✖	✔	✔	✖	✔ Marine Park	✖	✖	✖	✖	✖
Anchoring compliance	✔	✔	✔	✔	✖	✔ Marine Park	✖	✖	✖	✖	✖
Unseaworthy vessels	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Abandoned vessels	✔	✖	✖	✔	✖	✔ Marine Park	✖	✖	✖	✖	✖
Fixing marine speed limits	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖
Exemption from marine speed limits	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖	✖
Speed signs	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖
Aids to navigation	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖
Aquatic event authorities	✔	✖	✖	✖	✖	✔ Marine Park	✖	✖	✖	✖	✖
Marine pilotage	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖	✖
Vessel-sourced oil pollution	✔	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖
Vessel-sourced sewage pollution	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Vessel-sourced garbage pollution	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Vessel-sourced pollution compliance	✖	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Dredging natural waterways	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖
Dredging canal systems	✖	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖
Dredging approvals	✖	✖	✖	✖	✔	✔ Marine Park	✔	✖	✖	✖	✖
Dredging flood mitigation	✖	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖
Waterways management	✔	✔	✔	✔	✖	✖	✖	✖	✖	✖	✖
Public marine facilities construction	✔	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖
Public marine facilities management	✔	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖

Enquiry or Problem	AGENCY										
	GCWA	Water Police	QBFP	MSQ	City of Gold Coast	NPSR*	EHP*	Seqwater	WHSQ	VMR & Coast Guard	DAF
Tidal work assessment	✓	✗	✗	✓	✓	✓ Marine Park	✓	✗	✗	✗	✓
Recreational vessel & PWC compliance	✗	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
Commercial vessel & PWC compliance	✗	✓	✓	✓	✗	✓ Marine Park	✗	✗	✗	✗	✗
Vessels & PWC in bathing reserves	✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗
Recreational vessel & PWC licences	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗
Water skiing prohibitions	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗
General boating safety	✗	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
Notices to Mariners	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗
Noise compliance	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗	✗
Water quality monitoring	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗
Stormwater management	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗
Life guard services	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗
Beach management	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗
Surf Management Plan	✓	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗
Park maintenance	✗	✗	✗	✗	✓	✓ Marine Park	✗	✗	✗	✗	✗
Diving accidents	✗	✓	✗	✗	✗	✗	✗	✗	✓	✗	✗
Commercial & recreational fishing	✗	✗	✓	✗	✗	✓ Marine Park	✗	✗	✗	✗	✓
Go slow areas in Marine Park	✗	✓	✓	✗	✗	✓ Marine Park	✗	✗	✗	✗	✗
Buoy mooring areas in Marine Park	✓	✗	✗	✗	✗	✓ Marine Park	✗	✗	✗	✗	✓
Land-sourced pollution	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗	✗
Environment protection	✗	✗	✗	✗	✗	✓ Marine Park	✓	✗	✗	✗	✓
Marine flora and fauna protection	✗	✗	✓	✗	✗	✓ Marine Park	✓	✗	✗	✗	✓
Marine Park compliance	✗	✗	✓	✗	✗	✓ Marine Park	✗	✗	✗	✗	✗
Environment management	✗	✗	✗	✗	✗	✓ Marine Park	✓	✗	✗	✗	✓
Environment education	✗	✗	✓	✗	✓	✓ Marine Park	✓	✗	✗	✗	✓
Cultural heritage compliance	✗	✗	✗	✗	✗	✓ Marine Park	✓	✗	✗	✗	✗
Water supply management	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Boating activities on dams	✗	✓	✓	✗	✗	✗	✗	✓	✗	✗	✗
Water supply security	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Marine radio watch	✗	✗	✗	✓	✗	✗	✗	✗	✗	✓	✗
Marine search & rescue	✗	✓	✗	✗	✗	✗	✗	✗	✗	✓	✗
Boating safety education	✓	✓	✓	✓	✗	✗	✗	✗	✗	✓	✗
Fish Habitat Areas	✗	✗	✓	✗	✗	✓ Marine Park	✗	✗	✗	✗	✓
Biosecurity	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓
Aquaculture	✗	✗	✓	✗	✗	✓ Marine Park	✗	✗	✗	✗	✓
Noxious fish management	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✓

** The former departments of NPSR and EHP are merging to form the new Department of Environment and Science (DES). The functions of NPSR and EHP described above will continue to be performed by the new DES.*

Appendix B: Gold Coast waterways speed limits map

Note: This map does not identify the proposed speed limit changes identified in this Strategy.



Appendix C: Agency contact details

Gold Coast Waterways Authority (GCWA)	
Phone	07 5539 7350
Email	mail@gcwa.qld.gov.au
Website	http://www.gcwa.qld.gov.au/

Queensland Police Service (Water Police)	
Phone	Emergency 000 or Policelink 13 14 44
Email	Reports can be made via the website portal
Website	https://www.police.qld.gov.au/

Queensland Boating & Fisheries Patrol (QBFP)	
Phone	13 25 23 or 07 5635 6900
Email	callweb@daf.qld.gov.au
Website	https://www.daf.qld.gov.au/

Maritime Safety Queensland (MSQ)	
Phone	07 5585 1810
Email	BrisbaneRegion@msq.qld.gov.au
Website	https://www.msq.qld.gov.au/

City of Gold Coast	
Phone	1300 465 326 or 07 5582 8211
Email	mail@goldcoast.qld.gov.au
Website	http://www.goldcoast.qld.gov.au/default.html

Department of National Parks, Sport and Racing (NPSR)*	
Phone	13 74 68 or 07 5507 0214
Email	info@npsr.qld.gov.au
Website	https://www.npsr.qld.gov.au/

Department of Environment and Heritage Protection (EHP)*	
Phone	1300 130 372
Email	Reports can be made via the website portal
Website	https://www.ehp.qld.gov.au/

Seqwater	
Phone	1800 771 497 or 07 3035 5500
Email	communications@seqwater.com.au
Website	http://www.seqwater.com.au/

Workplace Health and Safety Queensland (WHSQ)	
Phone	1300 362 128
Email	Reports can be made via the website portal
Website	https://www.worksafe.qld.gov.au/

Volunteer Marine Rescue – Southport	
Phone	07 5591 1300
Email	Enquiries can be made via the website portal
Website	http://vmrsouthport.com.au/

Australian Volunteer Coast Guard – Southport	
Phone	07 5531 1421
Email	Enquiries can be made via the website portal
Website	https://coastguard.com.au/

Department of Agriculture and Fisheries (DAF)	
Phone	13 25 23
Email	callweb@daf.qld.gov.au
Website	https://www.daf.qld.gov.au/

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