

Fraser Coast Regional Council Bathing Reserves (Amendment) Local Law (No. 1) 2023

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Part 1 Preliminary

1 Short title

This local law may be cited as *Bathing Reserves (Amendment) Local Law (No. 1) 2023*.

2 Local law amended

This local law amends *Local Law No. 6 (Bathing Reserves) 2011*.

Part 2 Amendment of local law

3 Amendment of s10 (Reservation for competitions and special occasions)

Section 10(1)(b)—

omit, insert—

- ‘(b) use of any part of a bathing reserve for the conduct of any 1 or more of the following—
- (i) a surfing competition;
 - (ii) a life-saving competition;
 - (iii) another aquatic activity or competition.’.

4 Amendment of s12 (Restrictions on use of aquatic equipment in bathing reserves)

Section 12 —

omit, insert—

‘12 Use of aquatic equipment and other equipment in bathing reserves

- (1) The local government may, by subordinate local law, within a bathing reserve or a particular part of a bathing reserve, do 1 or more of the following—
- (a) prohibit the use of aquatic equipment or a specified class of aquatic equipment;
 - (b) restrict the use of aquatic equipment or a specified class of aquatic equipment;
 - (c) prohibit the use of prescribed equipment or a specified class of prescribed equipment;
 - (d) restrict the use of prescribed equipment or a specified class of prescribed equipment.
- (2) Notice of a prohibition or restriction imposed under subsection (1) must be included on the reserve signs or on notices adjacent to the reserve signs.

- (3) A person must not use aquatic equipment in contravention of a prohibition imposed under subsection (1)(a) or a restriction imposed under subsection (1)(b) unless authorised to do so by an authorised person under section 13, or authorised under another law.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) A person must not use prescribed equipment in contravention of a prohibition imposed under subsection (1)(c) or a restriction imposed under subsection (1)(d) unless authorised to do so by an authorised person under section 13, or authorised under another law.

Maximum penalty for subsection (4) — 20 penalty units.

- (5) However—

- (a) if an authorised person authorises the use of aquatic equipment, or prescribed equipment, in a bathing reserve, the aquatic equipment or prescribed equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
- (b) life-saving equipment may be used in a bathing area by members of a lifesaving patrol for surveillance of the bathing area or to assist bathers in distress.

- (6) In this section—

prescribed equipment means an item or object which is classified as prescribed equipment under a subordinate local law for this subsection.’

5 Omission of s15 (Prohibited equipment)

Section 15—

omit.

6 Amendment of s36 (Subordinate local laws)

Section 36(a) to (f)—

omit, insert—

- ‘(a) prohibiting the use of aquatic equipment⁶; or
- (b) restricting the use of aquatic equipment⁷; or
- (c) prohibiting the use of prescribed equipment⁸; or
- (d) restricting the use of prescribed equipment⁹; or
- (e) the classification of an item or object as prescribed equipment¹⁰; or

⁶ See section 12(1)(a).

⁷ See section 12(1)(b).

⁸ See section 12(1)(c).

⁹ See section 12(1)(d).

¹⁰ See section 12(6).

- (f) the appointment of authorised persons for this local law¹¹; or
- (g) the limitation of an authorised person's powers¹²; or
- (h) conditions of office for authorised persons¹³.

7 Amendment of sch (Dictionary)

(1) Schedule, definition *aquatic equipment*—

omit, insert—

'aquatic equipment means —

- (a) an inflatable device or rubber or foam float or board that is not bathing equipment; or
- (b) a boogie board; or
- (c) a surfboard; or
- (d) a surf ski; or
- (e) a kayak; or
- (f) a canoe; or
- (g) another device for use on or in water to carry a person or thing across or through water or for recreational use in water and designed to be—
 - (i) paddled by a person; or
 - (ii) ridden by a person on a wave or in a white water area; or
- (h) a vessel; or
- (i) a wind powered craft; or
- (j) another device specified by subordinate local law.'

(2) Schedule, definition *life-saving club* —

omit, insert—

'life-saving club means a body affiliated with—

- (a) Surf Life Saving Queensland Limited (SLSQ); or
- (b) the Head Centre of the Royal Life Saving Society.'

(3) Schedule —

insert—

'bathing equipment means equipment that does not give rise to a risk of injury to bathers in a bathing area which is—

- (a) an inflatable device designed for use on or in water to carry a person across or through water or for recreational use in water; or
- (b) a rubber or foam float or board.

¹¹ See section 26(1)(a).

¹² See section 27.

¹³ See section 28(1).

land yacht means a device with wheels and one or more sails designed —

- (a) to be ridden by a person; and
- (b) for recreational use on a beach.

motorised aquatic equipment means aquatic equipment which is propelled by a motor that forms part of the aquatic equipment.

prohibited equipment means prescribed equipment, or a specified class of prescribed equipment, the use of which in a bathing reserve or a particular part of a bathing reserve is prohibited under section 12(1)(c).

tent means a structure or erection constructed or covered wholly or in part with canvas, calico or other material and includes a shelter used or capable of being used as a temporary abode or sleeping place.

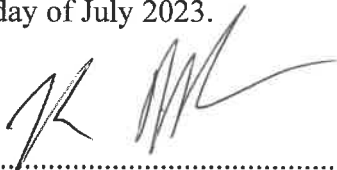
vessel means—

- (a) a motorised boat, craft or device for use on or in water to carry a person or thing across, over, under or through water or for recreational use in water; or
- (b) a wind powered boat or craft which has a length of more than 2.5m other than a land yacht.

wind powered craft means—

- (a) a sail board; or
- (b) a kite surf craft; or
- (c) a windsurfer; or
- (d) another device for use on or in water to carry a person or thing across or through water or for recreational use in water and designed to be—
 - (i) powered by wind; and
 - (ii) ridden by the person balancing on or from the device; or
- (e) another device specified by subordinate local law.

This and the preceding 4 pages bearing my initials is a certified copy of *Bathing Reserves (Amendment) Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Fraser Coast Regional Council by resolution dated the 26th day of July 2023.



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Chief Executive Officer

