

Fraser Coast Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011

Contents

Part 1	Preliminary	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law.....	2
	4 Definitions	2
Part 2	Bathing reserves	2
Part 3	Use of aquatic equipment in bathing reserves	2
	5 Prohibition or restriction of aquatic equipment and prescribed equipment— Authorising local law, s 12(1).....	2
Part 4	Behaviour in bathing reserves	3
Part 5	Life-saving clubs and powers of authorised persons	3
Part 6	Authorised persons	3
	8 Appointment of authorised persons—Authorising local law, s 26(1)(a)	3
	9 Limitation of authorised persons’ powers—Authorising local law, s 27.....	3
	10 Conditions of office for authorised persons—Authorising local law, s 28(1)	3
Schedule 1	Prohibited aquatic equipment and prescribed equipment for bathing reserves or parts of bathing reserves	4
Schedule 2	Restricted aquatic equipment and prescribed equipment for bathing reserves or parts of bathing reserves	5

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2011*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the use of aquatic equipment within bathing reserves; and
 - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 6 (Bathing Reserves) 2011* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Bathing reserves

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 3 Use of aquatic equipment in bathing reserves

5 Prohibition or restriction of aquatic equipment and prescribed equipment— Authorising local law, s 12(1)

- (1) For section 12(1)(a) of the authorising local law, the aquatic equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (2) For section 12(1)(b) of the authorising local law, the aquatic equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.
- (3) For section 12(1)(c) of the authorising local law, the prescribed equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (4) For section 12(1)(d) of the authorising local law, the prescribed equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

- (5) For section 12(6) of the authorising local law, an item or object is classified as prescribed equipment if the item or object is 1 of the following—
- (a) a spear gun; or
 - (b) a fishing spear; or
 - (c) a tent or shelter that covers an area of more than 10m².

Part 4 Behaviour in bathing reserves

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 5 Life-saving clubs and powers of authorised persons

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Authorised persons

8 Appointment of authorised persons—Authorising local law, s 26(1)(a)

For section 26(1)(a) of the authorising local law, the captain of a life-saving patrol is an authorised person for the authorising local law.

9 Limitation of authorised persons' powers—Authorising local law, s 27

For section 27 of the authorising local law, the powers of an authorised person appointed under section 8 of this subordinate local law are limited as follows—

- (a) the authorised person may only exercise the powers of an authorised person—
 - (i) in the part of the bathing reserve assigned to the lifesaving club under section 19 of the authorising local law; and
 - (ii) during the times that the person is part of a life-saving patrol.
- (b) the authorised person may only exercise the powers under sections 20 (Enclosure for life-saving patrol), 22 (Power to remove or reduce danger) and 24 (Powers to require bathers to leave water) of the authorising local law.

10 Conditions of office for authorised persons—Authorising local law, s 28(1)

For section 28(1) of the authorising local law, an authorised person appointed under section 8 of this subordinate local law holds office on the following condition—

- (a) if there is any conflict between an authorised person appointed under section 26(1)(b) of the authorising local law and an authorised person appointed under section 8 of this subordinate local law regarding the way the powers of an authorised person should be exercised under the local law, the powers shall be exercised as directed by the authorised person appointed under section 26(1)(b).

Schedule 1 Prohibited aquatic equipment and prescribed equipment for bathing reserves or parts of bathing reserves

section 5(1) and (3)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Aquatic equipment or prescribed equipment which is prohibited
1.	Any part of a bathing reserve (including foreshore and waters)— (a) within 100m of any point on the Urangan Pier; but (b) excluding any area which a vessel may traverse under normal navigational channel operations ¹	All aquatic equipment
2.	All bathing reserves in the local government area	(a) A land yacht; (b) Aquatic equipment, if the aquatic equipment is permanently moored; (c) A fishing spear; (d) A loaded spear gun.
3.	Within 50m of a bathing area in a bathing reserve in the local government area	Motorised aquatic equipment.

¹ A signalled navigation channel exists adjacent to the end of the Urangan Pier.

Schedule 2 Restricted aquatic equipment and prescribed equipment for bathing reserves or parts of bathing reserves

section 5(2) and (4)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Aquatic equipment or prescribed equipment the use of which is restricted	Column 3 Extent of restriction
1.	<p>The bathing reserves, or parts of bathing reserve which adjoin, or are contiguous to, each of the following—</p> <p>(a) the seashore between Scarness Pier and Margaret Street Groyne;</p> <p>(b) the seashore between Grinsteads Road and the western end of Mant Street;</p> <p>(c) the seashore between the intersection of Mant and Corfield Streets and the eastern end of Aplin Street.</p>	<p>Motorised aquatic equipment including boats, vessels and jet skis.</p>	<p>Permitted only—</p> <p>(a) if an authorised person has temporarily set aside the area for aquatic equipment of a particular type; or</p> <p>(b) within a boat access or navigation channel; or</p> <p>(c) within 20m of a public boat ramp; or</p> <p>(d) within 50m of a pier or jetty; or</p> <p>(e) beyond a distance of 200m from the high-water mark.</p>
2.	<p>All bathing reserves in the local government area.</p>	<p>A tent or shelter that covers an area of more than 10m².</p>	<p>Permitted only in accordance with an approval granted by the local government in respect of the use of the tent or shelter.</p>
3.	<p>All bathing reserves in the local government area.</p>	<p>A spear gun that is not loaded.</p>	<p>Permitted only if the spear gun is located within the confines of a vessel that is in a boat access or navigation channel.</p>