

# Moreton Bay Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Moreton Bay Regional Council 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 *Moreton Bay Regional Council 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 the *Moreton Bay Regional Council 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—Authorising local law, s12(1)

- (1) For section 12(1) of the authorising local law, the 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) of the authorising local law, the 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.

## **Part 4 Behaviour in bathing reserves**

### **6. Prohibited equipment—Authorising local law, s 15(3)**

- (1) For section 15(3) of the authorising local law, the following equipment is prohibited equipment—
  - (a) Any item of equipment which, in the opinion of an authorised person, could cause injury or danger to others.
  - (b) Any item of equipment which has sharp broken edges or projections liable to cause injury.

### **7. Circumstances where prohibited equipment permitted—Authorising local law, s 15(2)**

- (1) For section 15(2) of the authorising local law, the following circumstances are excluded from the application of the section are—
  - (a) A person may have prohibited equipment in a bathing reserve if authorised by an authorised person, and subject to any conditions fixed by the authorised person when giving the authorisation.
  - (b) Members of a life-saving patrol or a lifeguard may have life-saving equipment in a bathing reserve.
  - (c) Essential services personnel may have essential services vehicles, vessel or equipment in a bathing reserve.

## **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)**

- (1) For section 26(1)(a) of the authorising local law, the following persons are authorised persons for the local law—

A member of a life-saving patrol who holds the rank of Patrol Captain in the life-saving patrol.

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

(1) 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 specified in the following sections of the authorising local law:

- (i) 6(1),(2),(6);
- (ii) 7(2);
- (iii) 8(1);
- (iv) 9(1)(a)(b);
- (v) 11(2)(c);
- (vi) 13(1);
- (vii) 22(1);
- (viii) 23(1);
- (ix) 24(1);
- (x) 25(2); and
- (xi) 35(1),(2).

(b) The authorised person may only exercise the limited powers when carrying out a patrol in the bathing reserve or part of the bathing reserve assigned to the surf life saving club under section 19 of the authorising local law.

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

(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 conditions—

They must comply with any directions given by an authorised person appointed under section 26(1)(b) of the authorising local law.

**Part 7                      Miscellaneous**

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

**Schedule 1 Prohibited aquatic equipment for bathing reserves or parts of bathing reserves**

Section 5(1)

<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Prohibited aquatic equipment</b>
1 All bathing reserves within the local government area	Canoes/ kayaks, or kite surfers, or fishing equipment or netting or spear fishing equipment, or wind powered, motorised or watercraft/vessel; or any other items which, in the opinion of an authorised person, could cause injury or danger to others.

**Schedule 2      Restricted aquatic equipment for bathing reserves or parts of bathing reserves**

Section 5(2)

	<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Restricted aquatic equipment</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	All bathing reserves within the local government area	All aquatic equipment other than the prohibited aquatic equipment as listed in Schedule 1.	Other aquatic equipment may be used where the equipment will not cause injury or danger to others, in the opinion of the authorised person.