



**Bathing Reserves
Local Law 2023**

Moreton Bay City Council

Bathing Reserves Local Law 2023

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Moreton Bay City Council

Bathing Reserves Local Law 2023

Part 1 Preliminary

Division 1 Introductory provisions

1 Short title

This Local Law may be cited as the *Bathing Reserves Local Law 2023*.

Division 2 Object and achievement of Local Law

2 Object

The object of this Local Law is to enhance the public safety, enjoyment, and convenience of bathing reserves under the local government's control through orderly management and regulation of activities within these reserves.

3 How object of Local Law is to be achieved

The object of this Local Law is to be achieved by providing for the—

- (a) designation and management of safe, supervised bathing areas within bathing reserves; and
- (b) reservation of parts of a bathing reserve for life-saving training; and
- (c) use of aquatic equipment in bathing reserves; and
- (d) regulation of behaviour in bathing reserves; and
- (e) assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
- (f) appointment and powers of authorised persons; and
- (g) enforcement within bathing reserves.

Division 3 Interpretation

Subdivision 1 Dictionary

4 Definitions

The dictionary in the Schedule defines particular words used in this Local Law.

Subdivision 2 Key concepts

5 Bathing reserve

A *bathing reserve* means a part of the seashore, adjacent land under the sea, and the sea itself placed under the control of the local government as a bathing reserve under the Act.

6 Bathing area

- (1) A *bathing area* means the part of the bathing reserve that is, in an authorised person's opinion, the safest and most suitable area for bathing having regard to the prevailing conditions.
- (2) A bathing area consists of the area defined by—
 - (a) an imaginary line between 2 patrol flags; and
 - (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and
 - (c) an outer boundary parallel to, and 200m to the seaward side of, the imaginary line.
- (3) Where the boundary of the bathing reserve is less than 200m to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.

7 Aquatic equipment

aquatic equipment means—

- (a) vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) a device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

Division 4 Operation of Local Law

8 Relationship with other Acts

This Local Law is in addition to and does not derogate from—

- (a) any other laws that may regulate the use or development of land; or
- (b) any provision of the Act.

Part 2 Appointment and powers of authorised persons

Division 1 What this part is about

9 Overview

This part describes the process for appointing authorised persons and the powers they may exercise.

Division 2 Appointment of authorised persons

10 Who are authorised persons

- (1) The following persons are authorised persons for this Local Law—
 - (a) a person appointed as an authorised person for this Local Law under this section; or
 - (b) a person who is an authorised person under a Subordinate Local Law.
- (2) A local government may appoint the following persons as an authorised person for this Local Law—
 - (a) employees of the local government; or
 - (b) other persons who are eligible for appointment as authorised persons under the Act.
- (3) The document that appoints an authorised person must state this Local Law, or the provisions of this Local Law, as the Local Law or the provisions for which the person is appointed as an authorised person.
- (4) A local government may appoint a person as an authorised person under this section only if—
 - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
 - (b) the person has satisfactorily finished training approved by the local government for the appointment.

11 Limitation on authorised person's powers

An authorised person's powers may be limited in the document that appointed the authorised person or under a Subordinate Local Law.

12 Authorised person's appointment conditions

- (1) An authorised person's appointment is subject to the conditions stated in the document that appointed the authorised person or under a Subordinate Local Law.
- (2) A person stops being an authorised person—
 - (a) if the document that appointed the authorised person or Subordinate Local Law provides for a term of appointment— at the end of the term; or

- (b) if appointed as an authorised person under section 10(1)(a)— via a signed notice of resignation given to the local government; or
 - (c) if appointed as an authorised person under section 10(1)(b)— on ceasing to hold the relevant rank or position; or
 - (d) if it is a condition of the authorised person’s appointment that the authorised person hold another position at the same time— if the authorised person stops holding the other position.
- (3) However, an authorised person may not resign as an authorised person under subsection (2)(b) if a condition of the authorised person’s employment requires them to hold the appointment as an authorised person.

13 Protection from liability

- (1) This section applies to—
- (a) an authorised person; and
 - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this Local Law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

14 Authorised person’s identity card

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card must contain the particulars specified under a Subordinate Local Law.
- (3) A person who ceases to be an authorised person must return their identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (3)— 10 penalty units.

15 Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
- (a) first produces their identity card for the other person’s inspection; or
 - (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person’s inspection at the first reasonable opportunity.

Division 3 Powers of authorised persons

16 Power to remove or reduce danger

- (1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified

action to remove or reduce the danger posed by the object or item.

Example—

If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)— 20 penalty units.

17 Power to require bathers to leave water

- (1) An authorised person may give a direction to a bather to leave the water if—

- (a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or
- (b) an emergency evacuation alarm has been given under section 37; or
- (c) there is some other risk to the bather's safety.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)— 20 penalty units.

18 Seizure and detention of dangerous objects and prohibited equipment

- (1) This section applies if, in a bathing reserve, a person—

- (a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
- (b) uses or has used an object in a dangerous way; or
- (c) has prohibited equipment.

- (2) An authorised person may seize and impound the object, item or equipment referred to in subsection (1) (the *seized thing*).

- (3) The local government may recover the cost of action taken under this section as a debt from the person responsible for the seized thing.

19 Dealing with impounded items

- (1) This section applies where an object, item or equipment has been seized and impounded under section 18 (an *impounded item*).

- (2) If an impounded item is, in the reasonable opinion of an authorised person, perishable or of negligible commercial value, then the local government may immediately dispose of it as the chief executive officer directs.

- (3) If the local government possesses an impounded item, then a person may reclaim that impounded item from the local government by—

- (a) making a written application to the chief executive officer to reclaim the impounded item; and
- (b) producing proof, to the satisfaction of the chief executive officer, that the person is the owner of the impounded item; and
- (c) paying the prescribed fee for the impounding of the impounded item.

- (4) If an impounded item is not reclaimed under subsection (3) within 20 business

days of the item being seized and impounded under section 18, that item is forfeited to the local government.

- (5) If an impounded item has been forfeited to the local government under subsection (4), then the local government may dispose of that impounded item—
 - (a) if, in the reasonable opinion of the authorised person, the commercial value of the impounded item is so slight that it would not cover the reasonable cost of seizing, impounding and selling the impounded item— as the chief executive officer directs; or
 - (b) by sale through a public auction; or
 - (c) if the impounded item has been offered for sale under paragraph (b) but has not been sold within a period that, in the reasonable opinion of the authorised person, is reasonable for the sale of that type of item— as the chief executive officer directs.
- (6) Where an impounded item has been sold under this section, the proceeds of the sale must be applied in order—
 - (a) firstly, towards the direct and indirect costs of the sale; and
 - (b) secondly, towards the local government in an amount equivalent to the prescribed fee for the impounding of the impounded item as if it was to be reclaimed under subsection (3); and
 - (c) thirdly, if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cth)— in payment of the amount owing under the security interest; and
 - (d) fourthly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim for the amount to which the former owner of an impounded item that has been sold under this section is entitled to under subsection (6)(d) within 3 months of the date of that entitlement arising, the amount becomes the property of the local government.
- (8) Except where expressly stated, the local government incurs no liability to a person, and no person has any claim for relief or compensation against the local government, in respect of any action taken by the local government under this section or section 18, if the local government has acted in good faith and without negligence.

Part 3 Bathing reserves

Division 1 What this part is about

20 Overview

This part describes—

- (a) how bathing reserves are to be signed; and
- (b) how bathing areas are to be designated; and
- (c) how conditions in bathing reserves and bathing areas are to be managed.

Division 2 Bathing reserve signs

21 Signs indicating existence of bathing reserve

- (1) If the local government proposes to regulate the use of a bathing reserve under this Local Law, the local government must exhibit and maintain signs (***bathing reserve signs***) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.
- (2) Bathing reserve signs must be exhibited at the lateral boundaries of the bathing reserve indicating the position of the boundaries.
- (3) The signs must face both seawards and shorewards.

Division 3 Designation of bathing areas

22 Bathing areas

- (1) An authorised person may mark out a bathing area within a bathing reserve.
- (2) The bathing area is marked out by exhibiting 2 patrol flags at different points on or adjacent to the foreshore.
- (3) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.
- (4) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

Division 4 Flags and signs

23 Flags to inform bathers about prevailing conditions

- (1) This section applies if—
 - (a) an authorised person has marked out a bathing area under section 22; and
 - (b) in the authorised person’s opinion, there are potentially hazardous conditions prevailing within the bathing area.
- (2) The authorised person must exhibit, in a prominent position on or adjacent to the foreshore, a yellow flag warning bathers of the potentially hazardous conditions.

24 Closure of bathing reserves

- (1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by exhibiting a red flag in a prominent position on or adjacent to the foreshore.

Example—

The authorised person may close the bathing reserve if the prevailing conditions pose a risk to the lives of members of the public bathing in the reserve.

- (2) If patrol flags marking out a bathing area have been exhibited in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.

- (3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

25 Interference with flags and life-saving equipment

- (1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag exhibited under this Local Law.

Maximum penalty for subsection (1)— 50 penalty units.

- (2) A person must not, without the approval of an authorised person, interfere with life-saving equipment in a bathing reserve.

Maximum penalty for subsection (2)— 50 penalty units.

26 Compliance with Australian Standards

- (1) The flags and signs to be used for the purposes of this Local Law should comply with any relevant Australian Standard issued or approved by Standards Australia.

- (2) However, non-compliance with an applicable standard does not invalidate anything done under this Local Law.

Part 4 Reservation for life-saving training

Division 1 What this part is about

27 Overview

This part is about how an authorised person can designate an area for life-saving training.

Division 2 Setting aside areas for training

28 Reservation for life-saving training

- (1) An authorised person may set apart the whole or a part of a bathing reserve for life-saving training on a temporary basis.
- (2) An authorised person may impose restrictions on access to an area set apart under subsection (1).
- (3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs exhibited in prominent positions on the bathing reserve.

Part 5 Use of aquatic equipment in bathing reserves

Division 1 What this part is about

29 Overview

This part is about managing the use of certain aquatic equipment within a bathing reserve.

Division 2 Prohibitions, restrictions and reservations for use of aquatic equipment

30 Prohibition of use of aquatic equipment in bathing areas

- (1) A person must not use aquatic equipment in a bathing area.
Maximum penalty for subsection (1)— 20 penalty units.
- (2) However—
 - (a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and
 - (b) a float or board made from rubber or foam that does not give rise to risk of injury to other bathers may be used in a bathing area; and
 - (c) if an authorised person authorises the use of other aquatic equipment in a bathing area— the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
 - (d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

31 Restrictions on use of aquatic equipment in bathing reserves

- (1) The local government may, by Subordinate Local Law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.
- (2) Notice of a prohibition or restriction imposed under this section must be included on the bathing reserve signs or on notices adjacent to the bathing reserve signs.
- (3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section, unless authorised to do so by an authorised person under section 32 or authorised under another law.
Maximum penalty for subsection (3)— 20 penalty units.

32 Reservation of areas for use of aquatic equipment

- (1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.
- (2) A part of the bathing reserve set apart under this section must be defined by signs

and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.

- (3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—
- (a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or
 - (b) use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.

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

Part 6 Behaviour in bathing reserves

Division 1 What this part is about

33 Overview

This part is about regulating behaviours of persons in a bathing reserve.

Division 2 Dangerous behaviour in bathing reserves

34 Dangerous object

- (1) A person must not bring into, use or have in a bathing reserve, a dangerous object or a dangerous item of aquatic equipment.

Maximum penalty for subsection (1)— 20 penalty units.

- (2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

35 Prohibited equipment

- (1) A person must not bring into, use or have in a bathing reserve, prohibited equipment.

Maximum penalty for subsection (1)— 20 penalty units.

- (2) However, this section does not apply in circumstances excluded under a Subordinate Local Law from the application of this section.

36 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty— 20 penalty units.

Division 3 Alarms and all-clears

37 Emergency evacuation alarm

- (1) If an emergency evacuation alarm is given, a person within a bathing reserve—
- (a) must leave the water as soon as practicable; and

- (b) must not enter or re-enter the water until the all-clear is given.

Maximum penalty for subsection (1)— 20 penalty units.

- (2) An emergency evacuation alarm is given by—
 - (a) the prolonged ringing of a bell or sounding of a siren; and
 - (b) the exhibition of a red flag.
- (3) The all-clear is given by—
 - (a) a short ringing of the bell or sounding of the siren; and
 - (b) the replacement of the red flag by a yellow flag.
- (4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

Example—

The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

38 False alarms

A person must not, without the authority of an authorised person—

- (a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
- (b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty— 50 penalty units.

Part 7 Life-saving clubs

Division 1 What this part is about

39 Overview

This part is about assigning responsibility to recognised life-saving clubs to patrol bathing reserves and how they may patrol bathing reserves.

Division 2 Life-saving clubs and patrols

40 Recognised life-saving clubs

- (1) The local government may assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.
- (2) The responsibility—
 - (a) may be assigned on conditions the local government considers appropriate; and
 - (b) may only be assigned with the written agreement of the life-saving club to which the responsibility is assigned.

41 Enclosure for life-saving patrols

A recognised life-saving club may, with the local government's written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

42 Distinctive clothing

A member of a life-saving patrol must wear a distinctive uniform appropriate to the member's rank in a design approved by SLSQ.

Part 8 Offences and enforcement

Division 1 What this part is about

43 Overview

This part outlines—

- (a) further offences relating to this Local Law; and
- (b) the enforcement mechanisms that can be utilised by authorised persons; and
- (c) offence proceedings in the Magistrates Court; and
- (d) defences for offences against this Local Law.

Division 2 Offences

44 Obstruction of authorised persons and lifesavers

- (1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.

Maximum penalty for subsection (1)— 50 penalty units.

- (2) A person must not—

- (a) threaten, insult or use abusive language to an authorised person or a member of a life-saving patrol; or
- (b) give false or misleading information to an authorised person in response to a request that an authorised person is entitled to make under the Act.

Maximum penalty for subsection (2)— 50 penalty units.

Note—

An authorised person may require a person to state their name and address under section 127 of the Act in certain circumstances (including where the authorised person reasonably suspects that the person just committed an offence under this Local Law).

It is an offence under the Act to fail to comply with certain requests made by authorised persons without a reasonable excuse— see section 127(6) of the Act.

45 Impersonation of authorised persons and lifesavers

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty— 50 penalty units.

46 Attempts to commit offences

- (1) A person who attempts to commit an offence under this Local Law commits an offence.

Maximum penalty for subsection (1)— half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

47 Liability of third parties

- (1) Any person involved in a contravention of this Local Law commits an offence.

Maximum penalty for subsection (1)— the penalty for which any person who committed the contravention would be liable.

- (2) For subsection (1), a person involved in a contravention of this Local Law is any person who—

- (a) has aided, abetted, counselled or procured the contravention; or
- (b) has induced, whether by a threat or a promise or otherwise, the contravention; or
- (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
- (d) has conspired with another person to effect the contravention; or
- (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

Division 3 Enforcement

48 Directions generally

- (1) An authorised person may direct a person contravening this Local Law to—

- (a) cease any conduct or activity which contravenes this Local Law; and
- (b) take such action determined by the authorised person to ensure that the person does not contravene this Local Law.

- (2) A person must comply with a direction of an authorised person given under subsection (1).

Maximum penalty for subsection (2)— 50 penalty units.

49 Compliance notice for contravention of Local Law

- (1) This section applies if a person contravenes this Local Law.

- (2) An authorised person may give a notice, in writing (*compliance notice*), to—

- (a) a person who contravenes this Local Law; or
 - (b) any person involved in the contravention of this Local Law under section 47.
- (3) The compliance notice may require a person to—
- (a) stop a contravention, if the contravention is of a continuing or recurring nature; or
 - (b) take reasonable steps necessary to stop or remedy the contravention, by the date and time specified in the compliance notice, whether or not the contravention is of a continuing or recurring nature.
- (4) The compliance notice must state the following—
- (a) the particular provision of this Local Law the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how the provision of this Local Law is being, or has been, contravened; and
 - (c) the date and time by which the person must stop or remedy the contravention; and
 - (d) the reasonable steps necessary to remedy the contravention or avoid further contravention; and
 - (e) that it is an offence to fail to comply with the compliance notice; and
 - (f) the maximum penalty for failing to comply with the compliance notice.

Examples of reasonable steps to avoid further contravention in paragraph (d)—

- *The repetition of a specified action at stated intervals for a certain period.*
 - *Stopping taking an action that is prohibited by this Local Law.*
- (5) The date and time under subsection (4)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the person has been aware of the contravention.
- (6) The compliance notice must include, or be accompanied by, a decision notice.
- (7) A person who is given a compliance notice must comply with the compliance notice.

Maximum penalty for subsection (7)— 50 penalty units.

Division 4 Offence proceedings in Magistrates Court

50 Enforcement orders

- (1) After hearing proceedings for an offence against this Local Law, a Magistrates Court may make an order (an *enforcement order*) for the defendant to take stated action within a stated period.
- (2) The enforcement order may be in terms the Court considers appropriate to secure

compliance with this Local Law.

- (3) An enforcement order must state the period within which the defendant must comply with the order.
- (4) An enforcement order may be made under this section in addition to the imposition of a penalty.

51 Joint and several liability

- (1) Where this Local Law imposes a liability on a person engaged in a particular activity, and 2 or more persons are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Division 5 Defences

52 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of this Local Law, it is a defence to prove that the person had a reasonable excuse for the contravention.

Part 9 Reviewing decisions

53 Application for review

- (1) A person who is given, or is entitled to be given, a decision notice may apply to the local government for a review of the decision (a ***review application***).
- (2) The review application must be made within 15 business days of—
 - (a) if the person is given a decision notice— the day the person receives the notice; or
 - (b) if paragraph (a) does not apply— the day the person otherwise becomes aware of the decision.
- (3) The review application must be in writing and accompanied by a statement of the grounds on which the applicant seeks the review of the decision.

54 Review decision

- (1) The local government must review the original decision within 20 business days of receiving a review application and make a decision (the ***review decision***) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision unless that person was the chief executive officer.

- (3) The local government must, within 5 business days of the review decision being made, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice to the applicant in accordance with subsection (3), the local government is taken to have made a review decision confirming the original decision.

55 Stay of original decision

A review application does not stay the original decision that is the subject of the application.

Part 10 Administrative provisions

56 Fees

- (1) If this Local Law provides for payment of a fee and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.
- (3) Unless specific provision to the contrary is made in this Local Law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

57 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for an offence against this Local Law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

58 Subordinate Local Laws

The local government may make Subordinate Local Laws about—

- (a) the appointment of authorised persons under section 10(1); and
- (b) the limitation of an authorised person’s powers under section 11; and
- (c) conditions of appointment for authorised persons under section 12(1); and
- (d) particulars of identity cards under section 14(2); and
- (e) prohibiting or restricting the use of aquatic equipment under section 31(1); and
- (f) the classification of objects as prohibited equipment under the Schedule; and
- (g) circumstances in which a person may have prohibited equipment in a bathing reserve under section 35(2); and
- (h) repeal and transitional provisions under part 11.

59 Extrinsic material

- (1) The local government may make an explanatory note to assist in the interpretation of this Local Law.
- (2) The local government makes an explanatory note by—
 - (a) passing a resolution to make the explanatory note; and
 - (b) publishing the explanatory note on the local government’s website.
- (3) An explanatory note made in accordance with this section is declared to be a relevant document for the purposes of section 14B of the *Acts Interpretation Act 1954* (as modified by section 15 of the *Statutory Instruments Act 1992*).

Note—

Pursuant to part 4, division 1 of the Statutory Instruments Act 1992, the Acts Interpretation Act 1954 (AIA) is modified so that a document declared by a Local Law to be a “relevant document” for the purposes of section 14B of the AIA is extrinsic material which may assist in the interpretation of a provision of this Local Law.

Part 11 Transitional and repeal provisions

60 Local Law repeal

The *Moreton Bay Regional Council Local Law No. 6 (Bathing Reserves) 2011* and its Subordinate Local Law are repealed (***repealed Local Law***).

61 Transitional provisions for the repealed Local Law

- (1) A decision made under the repealed Local Law, that was in force immediately before the commencement, continues in force as if the decision were made under this Local Law.
- (2) In this section—

decision means an agreement, decision, appointment, approval, authorisation, declaration, direction, notice, resolution and restriction.

Examples—

- *Where the local government has appointed a person as an authorised person.*
- *Where the local government or a recognised life-saving club has issued an authorised person with an identity card.*

62 Other transitional provisions

The transitional provisions for decisions made under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, as they relate to the repealed Local law, are set out in the *Commercial Use of Public Land and Roads Local Law 2023*, part 7.

Schedule Dictionary

Section 4

approval includes a consent, permission, licence, permit or authorisation.

aquatic equipment see section 7.

authorised person means a person who is an authorised person for this Local Law under part 2.

bathing includes all activities involving the immersion or partial immersion of the body in water.

bathing area see section 6.

bathing reserve see section 5.

bathing reserve signs see section 21(1).

compliance notice means a compliance notice given under section 49.

dangerous item of aquatic equipment means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

Examples of dangerous items of aquatic equipment—

- *A surfboard with sharp or broken edges.*
- *A boat with projections liable to cause injury to bathers.*

dangerous object means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

decision means—

- for section 61— see section 61(2); or
- a decision by an authorised person to give a compliance notice under section 49.

decision notice, for a decision, means a written notice stating the following—

- the decision; and
- any relevant details about the decision; and
- the reasons for the decision; and
- that the person to whom the notice is given may apply for a review of the decision within 15 business days after the notice is given; and
- how to apply for a review.

Example for paragraph (b)—

- *The date on which the decision takes effect or actions required under the notice must be taken.*

enforcement order see section 50(1).

exhibit includes to erect, install or place.

foreshore means land between the high-water mark and low-water mark during ordinary spring tides.

impounded item see section 19(1).

life-saving club means a body—

- (a) affiliated with—
 - (i) SLSQ; or
 - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Queensland Fire and Emergency Services.

life-saving equipment means any equipment in the control of the life-saving patrol for use in sea rescue, life-saving or the provision of first aid.

life-saving patrol means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

local government means Moreton Bay City Council.

local government area means the local government area of the local government under the Act, including an area taken to be part of a local government area under a Local Government Act.

Examples of areas taken to be part of a local government area—

- *Bathing reserve.*
- *Foreshore.*

Local Law includes any Subordinate Local Laws made under this Local Law.

original decision means a decision the subject of a review application under section 53.

patrol flag means a red and yellow flag of the design prescribed by Australian Standard No.2416.

Patrol Captain means a person who instructs and directs the activities of members of a life-saving club to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

prohibited equipment means—

- (a) spear fishing equipment; or
- (b) fishing equipment; or
- (c) another object classified as prohibited equipment under a Subordinate Local Law.

prescribed fee means means a fee fixed by the local government under section 56 or under the Act, section 97.

public notice means a notice that is published in a newspaper that is circulating generally in the local government area or on the local government's website.

recognised life-saving club means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve under section 40.

repealed Local Law see section 60.

review application see section 53(1).

review decision see section 54(1).

review notice see section 54(3).

seized thing see section 18(2).

SLSQ means Surf Life Saving Queensland Inc.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

vessel means any ship, boat, punt, ferry, air cushion vehicle and every other kind of vessel used or apparently designed for use in navigation whatever may be the means of its propulsion.