



**Bathing Reserves
Subordinate Local Law 2023**

Moreton Bay City Council

Bathing Reserves Subordinate Local Law 2023

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Moreton Bay City Council

Bathing Reserves Subordinate Local Law 2023

Part 1 Preliminary

1 Short title

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

2 Object

The purpose of this Subordinate Local Law is to supplement the *Bathing Reserves Local Law 2023* (the **authorising Local Law**), which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.

3 How object of Subordinate Local Law is to be achieved

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

- (a) the appointment of authorised persons; and
- (b) the limitation of an authorised person's powers; and
- (c) conditions of appointment for authorised persons; and
- (d) particulars of identity cards; and
- (e) prohibiting or restricting the use of certain aquatic equipment; and
- (f) circumstances in which a person may have prohibited equipment in a bathing reserve.

4 Authorising Local Law

This Subordinate Local Law is made pursuant to the authorising Local Law.

5 Definitions

- (1) The dictionary in Schedule 3 defines particular words used in this Subordinate Local Law.
- (2) Where a word in this Subordinate Local Law is not defined in Schedule 3, it has the meaning as provided for in the authorising Local Law.

Part 2 Appointment and powers of authorised persons

6 Who are authorised persons— authorising Local Law, s 10(1)(b)

For section 10(1)(b) of the authorising Local Law, a member of a life-saving patrol who holds the rank of Patrol Captain in the life-saving patrol is an authorised person for the Local Law.

7 Limitation of authorised person’s powers— authorising Local Law, s 11

For section 11 of the authorising Local Law, the powers of an authorised person appointed under section 6 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) 17(1); and
 - (ii) 22(1), (3); and
 - (iii) 23(2); and
 - (iv) 24(1); and
 - (v) 25(1), (2); and
 - (vi) 28(1), (2); and
 - (vii) 30(2)(c); and
 - (viii) 32(1); and
 - (ix) 38(a), (b).
- (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 40 of the authorising Local Law.

8 Conditions of appointment for authorised persons— authorising Local Law, s 12(1)

For section 12(1) of the authorising Local Law, an authorised person appointed under section 6 of this Subordinate Local Law must comply with any directions given by an authorised person appointed under section 10(1)(a) of the authorising Local Law.

9 Particulars of identity cards— authorising Local Law, s 14(2)

For section 14(2) of the authorising Local Law, an identity card issued by the local government, or a recognised life-saving club must—

- (a) contain a recent photograph of the authorised person or state the authorised person’s date of birth; and
- (b) be signed by the authorised person; and
- (c) identify the person as an authorised person for the local government or recognised life-saving club; and
- (d) include an expiry date.

Part 3 Use of aquatic equipment in bathing reserves

10 Prohibition or restriction of aquatic equipment— authorising Local Law, s 31(1)

- (1) For section 31(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 31(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

11 Circumstances where prohibited equipment permitted— authorising Local Law, s 35(2)

For section 35(2) of the authorising Local Law, the following circumstances are excluded from the application of the section—

- (a) a person may have prohibited equipment in a bathing reserve if authorised by an authorised person under section 10(1)(a) of the authorising Local Law and subject to any conditions fixed by the authorised person when giving the authorisation; and
- (b) members of a life-saving patrol or lifeguard may have life-saving equipment in a bathing reserve; and
- (c) essential services personnel may have essential services vehicles, vessels or equipment in a bathing reserve.

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

Section 10(1)

Column 1 Bathing reserve or part of bathing reserve	Column 2 Prohibited aquatic equipment
All bathing reserves within the local government area	Canoes; and Kayaks; and Kite surfing and kite boarding equipment; and Rowing boats; and Wind powered or motorised vessels.

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

Section 10(2)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Restricted aquatic equipment	Column 3 Extent of restriction
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.

Schedule 3 Dictionary

Section 5

lifeguard means a person who the local government considers having the necessary skills and experience capable of performing life-saving services.