

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 *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

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate 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, s 12(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)

For section 15(3) of the authorising local law, the following equipment is prohibited equipment—

- (a) a tent or beach shelter that covers more than 4m²; and
- (b) a surfboard with sharp or broken edges; and
- (c) aquatic equipment with a projection which is liable to cause injury to a bather.

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

For section 15(2) of the authorising local law, the circumstances excluded from the application of the section are—

- (a) where the prohibited equipment is used during a competition or event approved by the local government; and
- (b) where the prohibited equipment is used for surveillance of a bathing reserve or to assist a bather in distress by a member of a life-saving patrol; and
- (c) where the use of the prohibited equipment is necessary in an emergency.

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, an authorised person for the local law is a person who holds the rank of captain in a life-saving patrol organised by a life-saving club that has been assigned the responsibility for patrolling a bathing reserve or a part of a bathing reserve under section 19 of 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) an authorised person may only exercise the powers of an authorised person in the part of the bathing reserve assigned to the life-saving club under section 19 of the authorising local law and during the times that the person is part of a life-saving patrol; and
- (b) an authorised person who is a captain of a life-saving patrol may only exercise the powers under sections 6(1) and (6), 7(1) and (2), 8(1), 11(2)(c), 12(3), 13(1), 18, 22(1), 23(1), 24(1), 25(2) and 35(1) and (2) 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 condition that 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).

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)

Column 1 Bathing reserve or part of bathing reserve	Column 2 Prohibited aquatic equipment
All bathing reserves within the local government area.	No aquatic equipment prohibited.

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

Section 5(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, including a land yacht	Not permitted within 20 m of a bathing area in a bathing reserve.
2	All bathing reserves within the local government area	A boat, vessel or jet ski	Not permitted less than 200 m seawards of low water mark at ordinary spring tides adjacent to a bathing area in a bathing reserve.

Schedule 3 Dictionary

Section 4

land yacht means a device with wheels and 1 or more sails designed—

- (a) to be ridden by a person; and
- (b) for recreational use on a bathing reserve or part of a bathing reserve.

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 6 (Bathing Reserves) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of ***(insert the date of the relevant resolution of Council)*** 2011.

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Chief Executive Officer

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