



**Bathing Reserves
Subordinate Local Law 2023**

Proposed

Moreton Bay City Council

Bathing Reserves Subordinate Local Law 2023

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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 1010

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.

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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
+ All bathing reserves within the local government area	All aquatic equipment other than the prohibited aquatic equipment as listed in Schedule 1_ <u>(restricted aquatic equipment)</u> .	~~Other-Restricted~~ aquatic equipment may be used where the equipment will not cause injury or danger to others, in the opinion of the authorised person.

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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.

restricted aquatic equipment see Schedule 2, column 2.

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