

Whitsunday Regional Council

Subordinate Local Law No. 6 (Bathing Reserves) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Whitsunday Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Whitsunday Regional Council Local Law No. 6 (Bathing Reserves) 2014*, 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 *Whitsunday Regional Council Local Law No. 6 (Bathing Reserves) 2014* (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, 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 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 life saving equipment is used by members of a life-saving patrol for surveillance of the bathing area and to assist persons in distress;
- (b) where prohibited equipment is used during a competition or event approved in writing by the local government;
- (c) where the use of prohibited equipment is necessary in an emergency;
- (d) where approval for the use of the prohibited equipment is given under another local law.

7 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 land yacht;
- (b) a tent or shelter that covers an area of more than 4 square metres;
- (c) aquatic equipment that is permanently moored;
- (d) aquatic equipment with a projection which may cause injury to a bather;
- (e) glassware (e.g. bottles, glass containers etc).

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, the following persons are

authorised persons for the authorising local law—

- (a) A captain;
- (b) A senior life guard;
- (c) Any other member,

of a life-saving patrol organised by a life-saving club that has been assigned the responsibility of patrolling a bathing reserve or 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;
- (b) an authorised person may only exercise the powers under sections 20 (Enclosure for life-saving patrols), 22 (Power to remove or reduce danger) and 24 (Powers to require bathers to leave water) of the authorising local law;
- (c) an authorised person who is a captain of a life-saving patrol may only exercise the powers under sections 6(1) and (6), 7 (2), 8(1), 11(2)(c), 12(3), 13(1), 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
1	All bathing reserves within the Whitsunday Regional Council area	(1) All aquatic equipment other than a body board.

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 Whitsunday Regional Council area	Aquatic equipment, Vehicle	<p>(1) Not permitted in a bathing reserve unless the aquatic equipment is being used by –</p> <p>(a) a member of a life-saving patrol in the course of his or her duties as a life-saving patrol member; or</p> <p>(b) the local government; or</p> <p>(c) an authorised person.</p>

Drafting certificate

This and the preceding 6 pages is a certified copy of *Whitsunday Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2014*, has been drafted in accordance with the *Local Government Act 2009* by Whitsunday Regional Council by resolution dated 27th day of May 2020.