

Aurukun Shire 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 *Aurukun Shire 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 *Aurukun Shire 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 *Aurukun Shire 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

N/A

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 vehicle; and
- glassware

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

For section 15(2) of the Authorising local law, section 15(1) of the Authorising local law does not apply in the following circumstances -

- 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) approval is given under another local law.

Part 5 Life-saving clubs and powers of authorised persons

N/A

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 local law—

- a) The senior lifeguard from a recognised life-saving club assigned by the club or Surf Life Saving Queensland to patrol a bathing reserve or part of a bathing reserve, at a particular time.

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 on duty as part of a life-saving patrol.

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 following conditions—

- a) If there is any conflict between an authorised person identified under section 26(1)(b) of the Authorising local law and an authorised person appointed under 26 (1) (a) of the 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

N/A

Schedule 1

Prohibited aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(1)

1

Column 1 Bathing reserve or part of bathing reserve	Column 2 Prohibited aquatic equipment
All bathing reserves within the local government area	Any of the following equipment used by the general public: a) A boat or a vessel; or b) Another device, whether motorised or not for use on or in the water to carry a person or thing across or through the water or for recreational use in the water (over 6 metres long)

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	<ul style="list-style-type: none"> • Jetski • Surf ski • Vessel under 6 metres; • Flotation devices under 6 metres that can carry persons or a thing across water 	<p>Lifesavers on duty where aquatic equipment is used by the general public, permitted only if:</p> <p>a) the owner or operator does not live on the boat or vessel or other device, whether temporarily or permanently, in the water; and</p> <p>b) the following safety measures are in place:-</p> <ul style="list-style-type: none"> a. it is operated safely; and b. not taken within 50 metres of people in the water, or anchored boat.

Certification

This and the preceding 6 pages bearing my initials is a certified copy of Aurukun Shire Council Subordinate Local Law No 6 (Bathing Reserves) 2014 made in accordance with the provisions of the Local Government Act 2009, by Aurukun Shire Council by resolution dated 14 August 2014.



Chief Executive Officer

Aurukun Shire Council