



**Noosa Shire Council**

**Subordinate Local Law No 6**

**(Bathing Reserves) 2015**

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## Noosa Shire Council Subordinate Local Law No. 6 (Bathing Reserves) 2015

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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) 2015*.

### 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) 2015*, 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) 2015* (the *authorising local law*).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in *Local Law No. 1 (Administration) 2015*.

## 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, s12(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—

- Aquatic equipment that has sharp or broken edges or projections likely to cause injury.
- Kite/sail or wind assisted craft/boards unless approved by an authorised person.
- Any item of equipment which, in the opinion of an authorised person could cause injury or danger to others.

### **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—

- When approval to used prohibited equipment is given under another local law.
- When approved for use by an authorised officer.
- Emergency services personnel may have prohibited equipment in a bathing reserve

## **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 local law—

- (a) a patrol captain for a life-saving patrol, provided that the person is the holder of an approved life-saving qualification and has been appointed by the Surf Lifesaving Club responsible for patrolling the bathing reserve.

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- (b) a lifeguard appointed by the lifeguard service provider.

**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 under sections 6, 7, 8, 9, 11, 13, 18, 22, 23, 24, 25 and 35 of the authorising local law;
- (b) an authorised person appointed by a surf-lifesaving club 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.

**10 Conditions of office for authorised persons—Authorising local law, s28(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) Only during the lifesaving season
- (b) While the lifeguard is employed by the service provider

**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)

<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Prohibited aquatic equipment</b>
All bathing reserves within the local government area	<i>A motorised or wind powered vessel, jet ski, kite surf equipment, wind surf equipment, spear fishing equipment or any item that in the opinion of an authorised person could cause injury or danger to others.</i>
All bathing areas (between the flags) where swimmers are encouraged to swim.	<i>Surf boards, fishing equipment, canoes, kayaks or surf equipment that is in the opinion of an authorised person dangerous or likely to injure someone.</i>

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

Section 5(2)

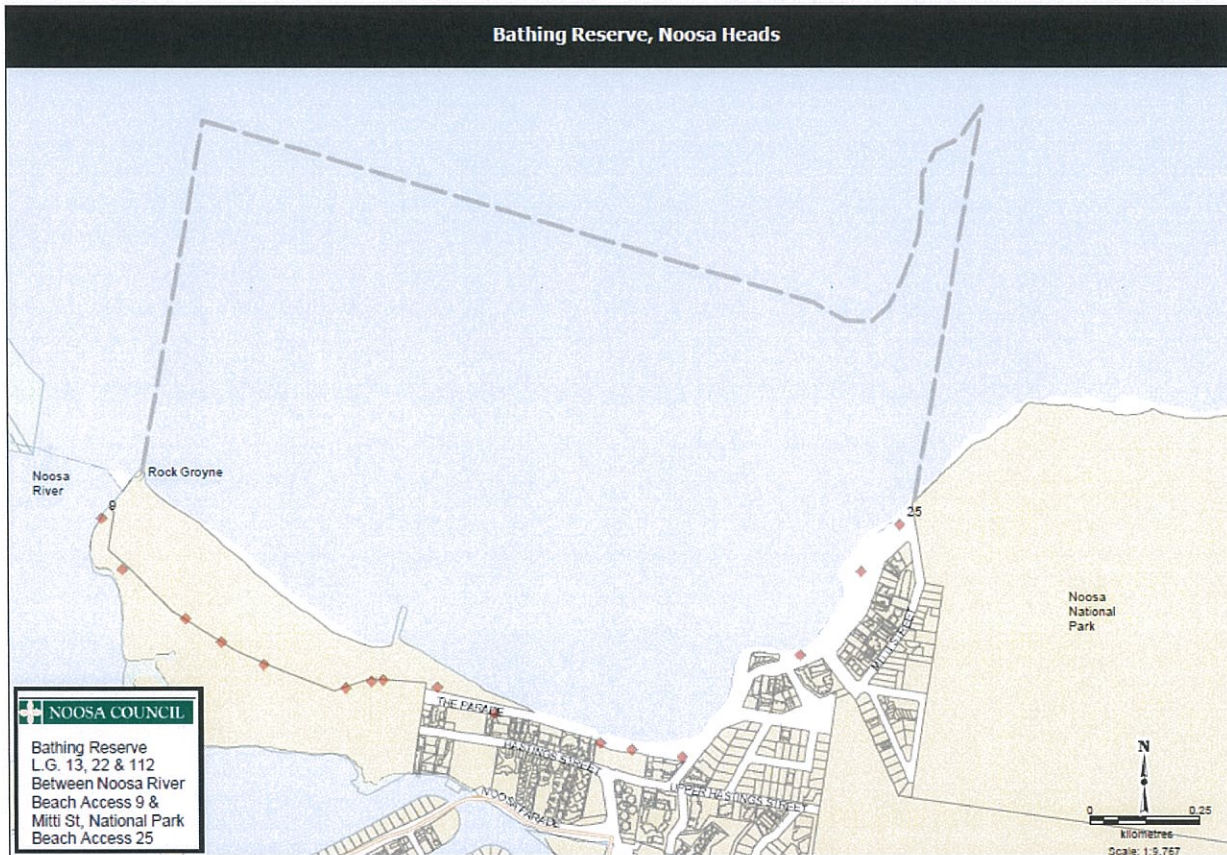
<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Restricted aquatic equipment</b>	<b>Column 3</b> <b>Extent of restriction</b>
All bathing reserves within the local government area.	All aquatic equipment other than the prohibited aquatic equipment as listed in Schedule 1	Other aquatic equipment may be used if in the opinion of an authorised person, the equipment will not cause any injury or pose a danger to others.



### Schedule 3

### Bathing Reserve Plans

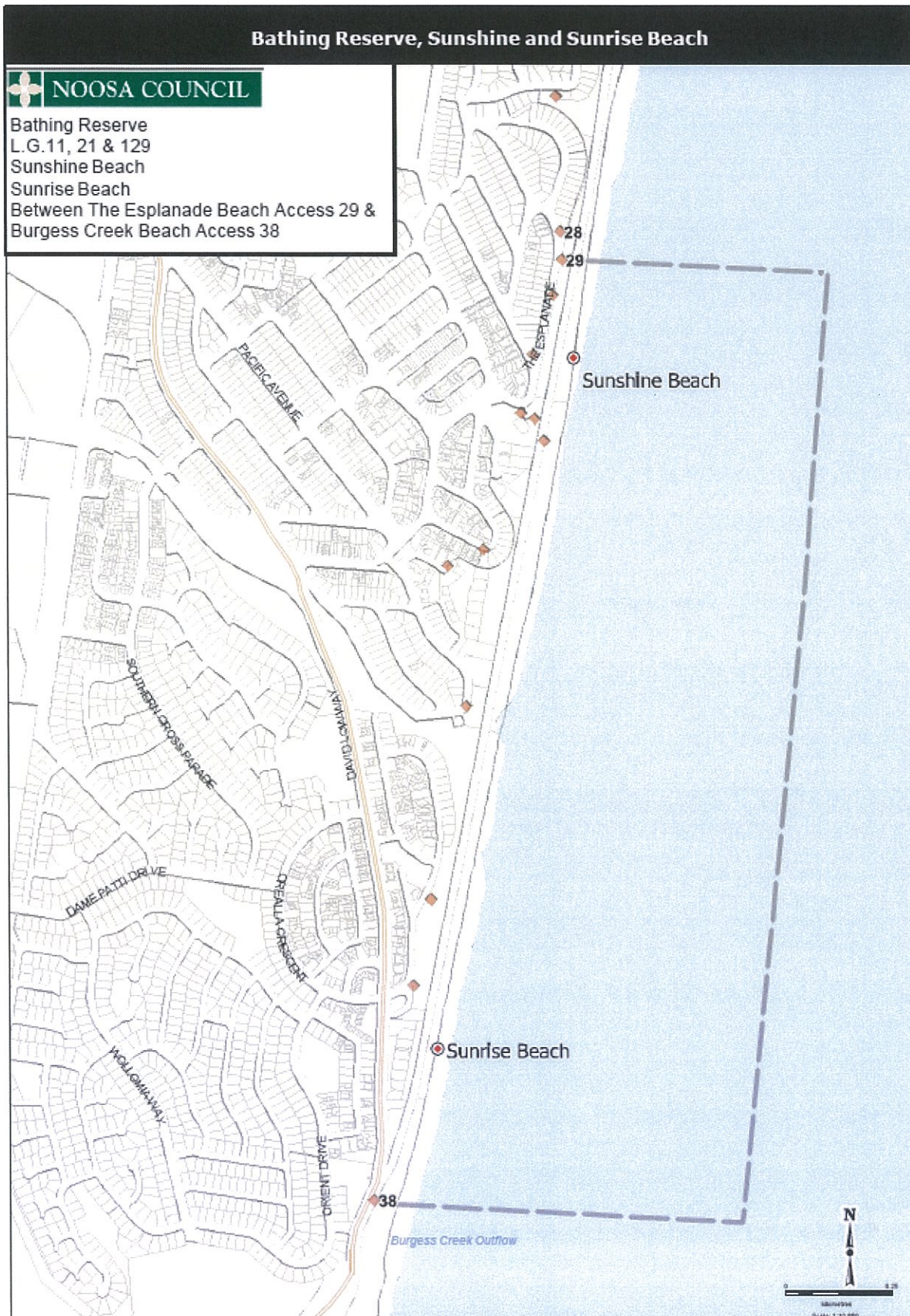
#### Noosa Beach



*Bob K*

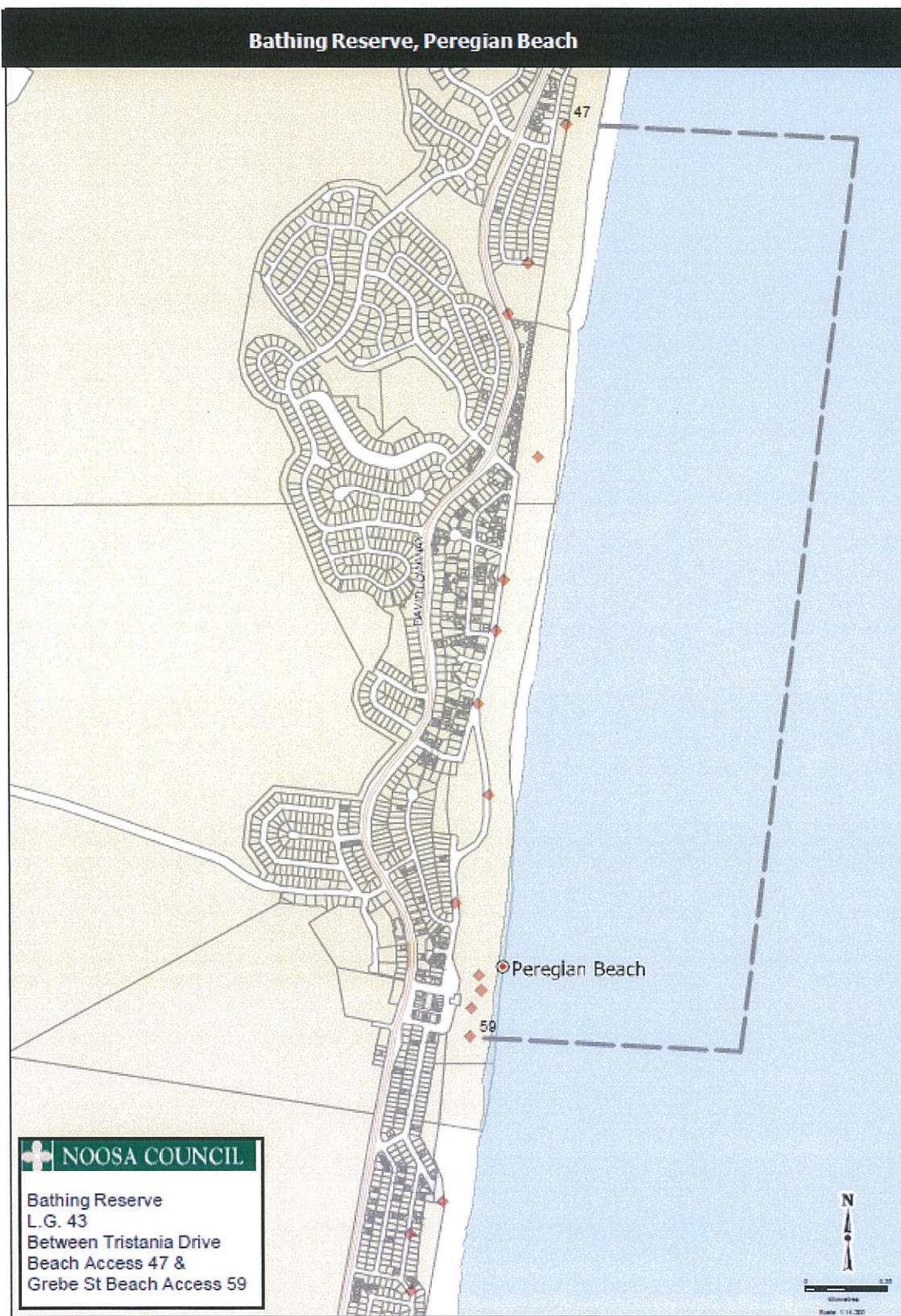


### Sunshine and Sunrise Beach



*Edel*

### Peregian Beach



*Bar C*

**CERTIFICATION**

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 6 (Bathing Reserves) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated 4th June 2015.



Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council