

# TOWNSVILLE CITY COUNCIL

## LOCAL LAW NO. 24

### BATHING RESERVES

#### *Scope of Chapter*

1. These By-laws shall apply to any bathing reserve from time to time declared under the provisions of section 45A of “The Local Government Acts 1936 to 1961” and placed under the management and control of the Council.

#### *Citation*

2. This Chapter may be cited as “The City of Townsville Bathing Reserves By-laws”.

#### *Interpretation*

3. For the purpose of this Chapter, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:-

“Authorised person” – An officer or inspector of the Council, appointed by the Council as such, or any member in charge of a lifesaving patrol;

“Bathing” – The term indicates entry into the sea; it also includes the use of bathing appliances in or upon a bathing reserve;

“Bathing Appliance” – A rubber float, surf ski, surf board, boat or any other device of whatsoever description, used or for use in bathing;

“Bathing area” – That part of a bathing reserve which, from time to time, is set aside pursuant to By-law 5 of these By-laws as the bathing area in that reserve;

“Bathing reserve” – A bathing reserve placed under the management and control of the Council, pursuant to section 45A of the Acts;

“Council” – The Council of the City of Townsville;

“Inspector” – A person appointed as such under these by-laws;

“Lifesaving Club” – A lifesaving club affiliated with the Queensland State Centre of the Surf Life Saving Association of Australia or any Branch thereof or with the Queensland Head Centre of the Royal Life Saving Society.

“Lifesaving gear or appliance” – Lifesaving reel, line or belt, patrol or signal flag, noticeboard, resuscitation or first-aid equipment, blanket, signal whistle, bell or siren, transhailer, broadcasting equipment, patrol cap, lookout tower, watercraft, or any other gear or appliance for use in the provision of lifesaving services;

“Lifesaving patrol” – A unit comprising such members of the lifesaving club as are appointed by that club from time to time to provide lifesaving services in a bathing reserve. The term shall include a servant of the Council appointed as a permanent beach patrol officer;

“Lifesaving services” – Services provided in a bathing reserve by the Council or by a lifesaving club under the authority of the Council for the protection and safety of persons bathing in or upon that reserve.

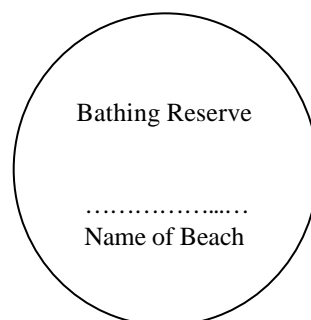
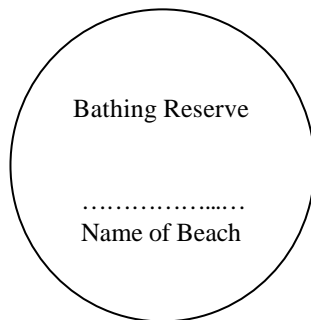
“Patrol Flags” – Flags erected at the outer limits of the bathing area to denote the limits of that area;

“The Acts” – “the Local Governments Acts, 1936 to 1961” and

“Watercraft” – Any bathing appliance and the equipment thereof used or intended for use by a member of a lifesaving club or patrol for lifesaving purposes.

***Bathing Reserve***

4. (1) The Council shall clearly denote the limits of each bathing reserve by means of notices, facing both seawards and shorewards, and erected in a conspicuous position on the sea-shore above high-water mark at the limits of such reserve;
- (2) Such notices shall be in the following form:-



- (3) The notice shall have a minimum diameter of twenty-four inches and the lowest point thereof shall be at least seven feet, and not more than ten feet, above the immediate ground level.
- (4) The letters on the notice shall be at least here inches high; and
- (5) the Council shall, at all times, keep the notice in a legible condition.

***Setting aside and defining Bathing Area and the controls in that Area***

5. (1) Within any bathing reserve, the authorised person who first commences duty on any day on which lifesaving services are provided shall, immediately upon commencing duty, select what in his opinion, having regard to prevailing conditions, is the safest and most suitable part of the bathing reserve to be set

aside as a bathing area and shall thereupon define the limits of such bathing area by erecting at each extremity thereof a red and yellow diagonal patrol flag at least thirty inches square. He shall also erect upon the lookout tower or some other prominent part of the bathing area a green flag at least thirty inches square attached to a staff at least five feet high.

- (2) The erection of such patrol flags or their re-erection as hereinafter provided, shall set aside and define the bathing area for the time being in that reserve and denote that an officer of the Council appointed as a permanent beach patrol, or, as the case may be, a surf lifesaving club, is providing lifesaving services in that reserve. The erection of such green flag shall denote that persons may bathe in such bathing area, and that lifesaving services are in operation.
- (3) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that the limits of the bathing area should be altered, he may remove such red and yellow diagonal patrol flags and re-erect them in another position within the bathing reserve.
- (4) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that conditions within the bathing reserve are so dangerous as to warrant that action, he may close the beach to bathing by removing such patrol flags and the green flag and erecting in a central position within the bathing reserve a notice that the bathing reserve is closed to bathing.

Such notice shall –

- (i) Be at least three feet in length and two feet wide;
- (ii) Be painted white with red lettering at least three inches high;
- (iii) Be erected at least seven feet and no more than ten feet above the immediate ground level.
- (iv) Be in the following form:-

|   |
|---|
| <p>DANGER<br/>Reserve Closed to Bathing</p> |
|---|

- (5) During any time lifesaving services are not provided in the bathing area, an authorised person shall remove the patrol flags and the green flag hereinbefore specified.
- (6) While lifesaving services are in operation, an authorised person may –
  - (i) Place any lifesaving gear or appliance in a position on the reserve considered by him to be the most suitable;
  - (ii) Set aside a roped enclosure not greater than ten feet square for the exclusive use of members of a lifesaving patrol;
  - (iii) Order the discontinuance of use within a bathing area of bathing appliances (either generally or a particular class) which, in his opinion, could cause inconvenience or danger to bathers;

- (iv) Require any or all persons to leave the water within the bathing area or any part thereof during the course of any rescue.
- (7) During the presence of a shark or other danger, an authorised person may cause a shark alarm to be given. The signal for the shark alarm shall be the prolonged ringing of a shark alarm bell or a long blast on a shark alarm siren followed by the taking down of the green flag specified in paragraph (1) of this By-law and the erection of a red flag upon the lookout tower or some other prominent part of the bathing area or the holding of a red and white quartered flag stationary above the head. When he is of the opinion that any danger shall have passed, such authorised person shall cause the signal of “all-clear” to be given by a short ringing of the shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red flag or, as the case may be, the red and white quartered flag and the re-erection of the green flag.
- (8)
  - (i) An authorised person may at any time during which the discontinuance of use of bathing appliances (either generally or of a particular class) is ordered pursuant to subparagraph (iii) of paragraph (6) of this By-law, set aside a part of such bathing reserve (other than the bathing area) for use by persons using bathing appliances either generally or of a particular class concerned.
  - (ii) The part so set aside may be defined by notice, flag or such other means as he shall deem necessary.
- (9) Each member of a lifesaving patrol shall wear a red and yellow quartered swimming cap and a badge bearing the words “Beach Patrol” whilst engaged on patrol and each member in charge of such a patrol shall wear such cap and a badge bearing the words “Patrol Captain” whilst engaged on patrol.
- (10)
  - (i) The Council may from time to time by resolution set aside a part of a bathing reserve in which the use of surf boards and surf skis is prohibited and another part of such reserve exclusively for the use of surf boards and surf skis.
  - (ii) That part of such reserve in which the use of surf boards and surf skis is prohibited shall be denoted by the erection by the Council of two (2) notices facing both seawards and shorewards, in the following form:-



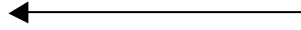
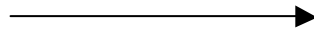
- (iii) That part of the said reserve set aside exclusively for the use of surf boards and surf skis shall be denoted by the erection by the Council of two notices facing both seawards and shorewards, in the following form:-

SURF BOARD AREA

SURF BOARD AREA

(Between signs)

(Between signs)



- (iv) Nothing herein shall prevent the use in any part of a bathing reserve of children's surf boards and surf skis provided they are made of soft plastic or rubber or other similar material.
  - (v) An authorised person shall not set aside any part of a bathing reserve for any purpose in contravention of any resolution passed by the Council under Subclause (i) of clause 10 of By-law 5 of this Chapter.
- 5A. (1) A person shall not use a bathing area appliance, other than a soft plastic or rubber air-filled float, in the bathing reserve unless such bathing appliance is –
- (i) Marked in accordance with the requirements of this by-law so as to sufficiently identify the name and address of the owner for the time being of the bathing appliance in question; or
  - (ii) Marked in accordance with the provisions of by-law 5B of this Chapter.
- (2) A bathing appliance shall be deemed to be marked in accordance with the requirements of this clause if the name and address of the owner for the time being are impressed into the surface of the bathing appliance, painted on the surface thereof with a waterproof paint or engraved or impressed into a marker permanently attached to the bathing appliance so that, in any case, the marking is legible at all times the bathing appliance is used within a bathing reserve.
- 5B. Notwithstanding the terms of a license or permission granted by the Council to a person for the hire of bathing appliances, the following conditions shall apply to the hire of bathing appliances with a bathing reserve:-
1. The owner shall, at all times, keep every bathing appliance in his possession or under his control seaworthy and in a condition such that it is not likely to be a danger to hirers thereof or to other persons using the bathing reserve by reason of any defect therein;
  2. Every bathing appliance under the control of the owner shall be marked by one of the methods prescribed by subclause (ii) of clause 1 of by-law 5A of this chapter so as to indicate that the bathing appliance is under his control; and
  3. The owner shall direct the hirer to that part of the bathing reserve wherein the use of the bathing appliance hired is permitted pursuant to this Chapter.

#### *Appointment of Inspectors*

6. (1) The Council may appoint any officer, employee or other person or any member of a surf lifesaving club to be an inspector of a bathing reserve for the

purposes of these by-laws and shall give such person written notice of his appointment and provide him with a badge bearing the words “Beach Inspector”.

- (2) Any inspector or authorised person may require any person in a bathing reserve, who in his opinion is improperly clothed, to leave the reserve.
- (3) Any inspector or any authorised person who finds any person committing a breach of any of the provisions of these by-laws may demand from such person his name and place of abode and shall report the fact of such breach and the name and place of abode of such person as soon as conveniently may be to the Council.
- (4) Any person who refuses to state his name and place of abode or states a false name or place of abode to any inspector or any authorised person, shall be liable to a penalty not exceeding fifty pounds.
- (5) This By-law shall be in addition to and not in prejudice of the provisions of section fifty of the Acts.

### *Offences*

7. (1) No person shall within a bathing reserve during the period a part of that reserve is set aside and defined as a bathing area under By-law 5 of these By-laws.
  - (i) Bathe in or upon that reserve except in or upon the bathing area so set aside and defined unless such person is using a bathing appliance in a part of the reserve set aside for use by persons using a bathing appliance of the particular class concerned pursuant to paragraph (8) of By-law 5 of these by-laws.
  - (ii) Bathe in or upon that reserve when the beach is closed to bating pursuant to paragraph (4) of By-law 5 of these By-laws;
  - (iii) Continue to use any bathing appliance the use of which he is ordered to discontinue pursuant to paragraph (6) of By-law 5 of these By-laws.
  - (iv) Fail to leave the water within the bathing area or any part thereof during the course of a rescue immediately when so required by an authorised person pursuant to paragraph (6) of B-law 5 of these by-laws.
  - (v) Fail to leave the water promptly after a shark alarm has been given pursuant to paragraph (7) of By-law 5 of these by-laws.
  - (vi) Enter the water after a shark alarm has been given and before the signal of “all-clear” has been given;
  - (vii) Assist or attempt to assist in the use of any lifesaving gear or appliances or in any way interfere with its use unless requested or

authorised so to do by an authorised person or a member of a lifesaving patrol.

- (viii) Interfere with, damage, or destroy any notice, lifesaving gear or appliance.
  - (ix) Place any clothing, towel or any other object, matter or thing on any notice, lifesaving gear or appliance.
  - (x) Encroach upon any area in which any lifesaving gear or appliance is located or is being used or in which lifesaving or first aid treatment is being administered to any person.
  - (xi) Obstruct any authorised person or member of a lifesaving patrol providing lifesaving services.
  - (xii) Enter upon or loiter in any roped enclosure set aside for the exclusive use of members of a lifesaving patrol pursuant to paragraph (6) of By-law 5 of these By-laws.
  - (xii) Refuse to remove any beach umbrella, sunshade, beach coat or any other thing in his control which will impair the view of the bathing area from the roped enclosure set aside for the exclusive use of members of the lifesaving patrol pursuant to paragraph (6) of by-law 5 of these by-laws.
  - (xiv) Use a bathing appliance (other than a soft plastic or rubber air-filled float) except in a part of the bathing reserve set aside, pursuant to clause 8(i) of by-law 5 of this Chapter, for the use by persons using bathing appliances generally or of a particular class.
  - (xv) Place or cause to be placed a bathing appliance, other than a soft plastic or rubber air-filled float in a bathing area.
- (2) No person shall, in or upon any bathing reserve (whether or not any part of such reserve has been set aside as a bathing area, and whether or not lifesaving services are operative) –
- (i) Unless he is a member of a lifesaving patrol on duty, wear a red and yellow quartered swimming cap or a badge bearing the words “Beach Patrol”; or
  - (ii) Unless he is a member in charge of a lifesaving patrol on duty, wear a red and yellow quartered swimming cap or a badge bearing the words “Patrol Captain”; or
  - (iii) Unless he is an inspector appointed by the Council pursuant to these by-laws, wear a badge bearing the words “Beach Inspector”; or

- (iv) Wear any cap or badge so resembling any such cap or badge as is referred to in subparagraphs (i), (ii), or (iii) of this paragraph, as to be likely to mislead; or
  - (v) Behave in an unruly, disorderly, indecent, unseemly, or offensive manner, or in such a manner as to cause or be likely to cause inconvenience or annoyance to any other person using such reserve, or to interfere with the reasonable use and enjoyment thereof by such other persons.
  - (vi) Drive or operate a boat, or use a surf board, surf ski, or other class of bathing appliance propelled or fitted to be propelled by any mechanical power or device; or
  - (vii) Place or use a surf board or surf ski in a part of a bathing reserve in which the Council has set aside an area exclusively for the use of surf boards and surf skis, except in the area set aside by the Council exclusively for the use of surf boards and surf skis, unless such surf board or surf ski is being used in connection with actual lifesaving or rescue operations; or
  - (viii) Bathe in that part of a bathing reserve set aside by the Council exclusively for the use of surf boards and surf skis other than by the use of a surf board or surf ski.
  - (ix) Use, or cause to be used in a bathing reserve any bathing appliance which –
    - (i) has sharp edges; or
    - (ii) has broken edges; or
    - (iii) has projections liable to cause injury to any person in such bathing reserve; or
    - (iv) is otherwise a source of danger to any person in such bathing reserve.
- (2)(b) A person shall not mark a bathing appliance by placing a name and address other than his own name and address on such bathing appliance without actual authority from the person whose name is so placed.
- (3) Any person who fails to comply with or offends against any of the provisions of these by-laws or the terms of an notice, order, direction, warning, or signal exhibited, issued, or given hereunder shall be guilty of an offence.
- (4) Every person being in or upon any bathing reserve shall be deemed to be aware and have knowledge of each and every notice, order, direction, warning, or signal publicly made, exhibited issued, or given under these By-laws, and shall be affected by notice thereof.
- (5) (i) The fact that a person is wearing, in or upon a bathing reserve, a red and yellow quartered patrol cap and a badge bearing the words “Beach

Patrol” shall be *prima facie* evidence that such person is a member of a surf lifesaving patrol on duty;

- (ii) The fact that a person is wearing, in or upon a bathing reserve, a red and yellow quartered patrol cap and a badge bearing the words “Patrol Captain” shall be *prima facie* evidence that such person is a member in charge of the surf lifesaving patrol on duty; and
- (iii) The fact that a person is wearing, in or upon a bathing reserve, a badge bearing the words “Beach Inspector” shall be *prima facie* evidence that such person is an inspector for the purposes of these By-laws.

### ***Lifesaving competition areas***

8. (1) The Council may, from time to time, authorise a lifesaving club to do any one or more of the following things:-
- (i) Temporarily set apart any part of a bathing reserve defined by the Council for the holding of a lifesaving competition;
  - (ii) Enclose a competition area with rope, hessian, wire, or other means;
  - (iii) Divide a competition area into sections, some of which may be set aside for use by the public and some of which may be set aside for competition use only, in which case, such areas shall be clearly defined as to the nature of their respective uses;
  - (iv) Prescribe the terms and conditions of entry of the public into such competition area, in which case the terms and conditions of such entry shall be clearly defined by notice erected at each end and every entrance to such competition area.
- (2) During any period whilst a competition area is set apart as aforesaid, no person shall –
- (i) Enter into or remain within such competition area, except upon compliance with the conditions of admission indicated by notice at the entrance or entrances to such areas;
  - (ii) If he is a member of the public, enter upon any part of the competition area set aside for competition use; or
  - (iii) Do any act or thing to create, or which may be likely to create, any interruption or interference to the smooth running of the competition.
9. Every bathing reserve is deemed and declared to be a public place within the meaning of and for the purposes of any Act conferring or imposing upon members of the Police Force, powers or duties with respect to public places, or providing for the punishment of offences committed in public places.