

Queensland



*South East Queensland Water Board Act 1979*

# **SOUTH EAST QUEENSLAND WATER BOARD BY-LAW 1991**

**Reprinted as in force on 10 June 1993  
(By-law not amended up to this date)**

**Reprint No. 1**

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# Information about this reprint

This by-law is reprinted as at 10 June 1993.

The opportunity has been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the words of notification as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- correct spelling as permitted by section 26(1) of that Act;
- use expressions consistent with current legislative drafting practice as permitted by section 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- use the names for instruments and provision units permitted by sections 31 and 32 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 39 of that Act;
- correct minor errors as permitted by section 44 of that Act.

**See Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



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# **SOUTH EAST QUEENSLAND WATER BOARD BY-LAW 1991**

[reprinted as in force on 10 June 1993<sup>2</sup>]

## **PART 1—PRELIMINARY**

### **Short title**

1. This by-law may be cited as the *South East Queensland Water Board By-law 1991*<sup>3-4</sup>.

### **Interpretation**

2. In this by-law—

**“authorised officer”** means a person appointed by the Board under section 3;

**“Board land”** means land owned by or under the control of the Board and all works, amenities and facilities in or on the Board land;

**“camp”** includes—

- (a) to erect a tent or other camping structure; or
- (b) to live or sleep in temporary quarters including a caravan, campervan or lodge; or
- (c) to remain overnight;  
on Board land;

**“fauna”** has the meaning assigned to it by the *Fauna Conservation Act 1974*;

**“forest products”** has the meaning assigned to it by the *Forestry Act 1959*;

**“guide dog”** has the meaning assigned to it by the *Guide Dogs Act 1972*;

**“motor boat”** means any vessel propelled by mechanical power from

either an outboard or an inboard engine;

**“navigate”** includes being in charge of a vessel during periods when the vessel is at anchor or moored;

**“permit”** means a permit under this by-law, in force at the material time;

**“person”** includes any partnership or other association or body of persons, corporate or unincorporate;

**“reserve”** means a separate or identifiable area of Board land together with all works, amenities and facilities in or on the land indicated by a sign and reserved for recreational purposes specified by the Board;

**“reservoir”** means a reservoir on Board land;

**“take”** has the meaning assigned to it by the *Fishing Industry Organization and Marketing Act 1982*;

**“vehicle”** has the meaning assigned to it by the *Traffic Act 1949*;

**“vessel”** includes any ship, boat, and any other description of vessel used or designed for use for any purpose on water or in navigation, and includes, for example, any dinghy, lighter, barge, punt, hulk, raft, houseboat, pontoon, seaplane, air cushion vehicle or like vessel.

### **Appointment of authorised officers**

**3.(1)** For the purposes of this by-law, the Board may appoint any person as an authorised officer.

**(2)** An appointment under subsection (1)—

(a) is to be in writing; and

(b) may be made either generally or in a particular case.

**(3)** The Board is to issue to an authorised officer appointed under subsection (1) an identity card in such form as the Board thinks fit.

**(4)** An authorised officer, when exercising the powers conferred by this by-law, is to produce the identity card for inspection at the request of any person.

## **Signs**

**4.(1)** The Board may, by means of signs, regulate and control or prohibit the access to and use of Board land by persons, animals, vehicles and vessels of any class or description.

**(2)** A sign is to indicate the Board's directions or requirements.

**(3)** A sign may be in the form of an official traffic sign within the meaning of the *Traffic Act 1949* and is to have the meaning attributed to the corresponding official traffic sign by that Act.

## **PART 2—ACCESS TO BOARD LAND**

### **Access to Board land**

**5.(1)** A person must not enter Board land or remain on Board land except in accordance with this by-law.

**(2)** Subject to subsections (3) and (4), all Board land is continuously open to the public between sunrise and sunset.

**(3)** The Board may prohibit the use by the public of any reserve for the periods and during the times it thinks fit, by signs exhibited in the vicinity of that reserve.

**(4)** The Board may prohibit access to Board land on either of the following grounds—

- (a)** public safety;
- (b)** to carry out construction, cleaning, mowing, clearing or any related activity.

### **Entrance or exit**

**6.** A person must not—

- (a)** enter Board land except by the entrance provided; or
- (b)** leave Board land except by the exit provided.

### **Order to leave Board land**

**7.(1)** An authorised officer may order any person whom the authorised officer finds committing a breach of this by-law, or whom the authorised officer suspects on reasonable grounds to have committed a breach of this by-law, to leave the Board land immediately.

**(2)** Whenever a person is ordered to leave Board land—

- (a) the authorised officer is to state to that person the authorised officer's reasons for ordering the person to leave; and
- (b) the person must leave immediately.

### **When re-entry is a breach**

**8.** Any person who has left Board land upon being ordered to do so by an authorised officer pursuant to section 7, commits a breach of this by-law if the person re-enters Board land on the same day.

## **PART 3—USE OF BOARD LAND—LAND-BASED ACTIVITIES**

### **Camping permit**

**9.(1)** A person must not camp on Board land or occupy Board land for the purpose of camping, except under the authority of a permit issued by an authorised officer.

**(2)** An authorised officer may—

- (a) refuse an application for a camping permit for good cause shown;  
or
- (b) grant an application for a camping permit on such terms and conditions as the officer thinks fit.

### **Use of Board land—permit required**

**10.** A person must not—

- (a) set up or operate a loud speaker, sound amplifying device or generator; or
- (b) engage in or address any meeting or assembly; or
- (c) take part in any organised sporting activity (except on land reserved by the Board for that purpose); or
- (d) solicit donations; or
- (e) distribute any handbills, tickets, placards, notices or literature; or
- (f) trade in any commodity or sell, let or hire, or offer or exhibit for sale, letting or hiring, any article or service; or
- (g) dig, disturb, or remove or cause or allow to be dug, disturbed or removed, any grass, turf, manure, soil, earth, clay, gravel, sand, stone, mineral or any other material whatsoever; or
- (h) operate any mechanically-powered model aircraft;

on Board land, except under the authority of a permit issued by an authorised officer.

### **Nuisance or annoyance to public**

**11.** A person must not, on Board land—

- (a) be under the influence of alcohol or any unlawful drug; or
- (b) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner; or
- (c) use profane, indecent or obscene language; or
- (d) use any threatening, abusive or insulting words; or
- (e) operate any radio, cassette, tape or record player or television receiver at a volume likely to cause a nuisance or annoyance to any member of the public.

**Not to litter, damage, remove etc.**

**12.(1)** A person must not, on Board land—

- (a) scatter, drop or throw down handbills, tickets, placards, notices or literature; or
- (b) pollute any river, creek, stream, waterhole or water supply; or
- (c) damage or injure, or cause to be damaged or injured, any forest products or fauna; or
- (d) discharge a firearm or fireworks; or
- (e) remove, displace or interfere with a sign—
  - (i) used, constructed, or adapted to be used for the exhibition of a copy of a by-law or notice; and
  - (ii) placed or caused to be placed by the Board or an authorised officer in or on a building or other structure; or
- (f) remove, displace or interfere with a copy of a by-law or sign attached to or otherwise painted or fastened on a building or other structure; or
- (g) affix or post a bill, placard, or notice to or upon a wall or fence on or enclosing Board land, a tree, part of a building, barrier, railing, fixed or movable seat, or other structure; or
- (h) throw or discharge a stone or other missile of any kind; or
- (i) deface, injure, destroy, soil, defile, remove or displace a wall or fence on or enclosing Board land or a building, barrier, railing, seat or other structure, monument, work of art, ornament, statue, statuette or decoration; or
- (j) light or cause to be lit, a fire other than in a properly constructed fireplace provided by the Board; or
- (k) leave unattended, or go a distance of more than 200 m from, a fire lit by the person without completely extinguishing that fire; or
- (l) negligently or deliberately cause, permit or allow a water tap to be left running; or
- (m) organise or play a game that is likely to interfere with the safety

or comfort of members of the public or to damage Board land or anything appertaining thereto; or

- (n) enter any building or other structure that has been indicated by a sign for use by persons of the opposite sex; or
- (o) walk or run over, or stand, sit or lie upon a flower bed, shrub, fern or other plant, or any ground in the course of preparation for cultivation, as a flower bed or for the reception or growth of a shrub, fern or other plant; or
- (p) remove or displace an implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used, in the laying out, planting, improvement or maintenance of a reserve, or in the care, cultivation or protection of tree, sapling, shrub, underbrush, fern, herb or other plant.

(2) Subsection (1)(n) does not apply to children under the age of 5 years.

### **Driving or riding vehicles**

**13.(1)** A person must not drive or ride a vehicle or cause or permit or allow a vehicle to be driven or ridden on Board land—

- (a) other than on a carriageway; or
- (b) on a carriageway, at a speed greater than the maximum speed prescribed by signs erected by the Board for that carriageway; or
- (c) in a manner that may cause the vehicle to swerve, veer or turn violently; or
- (d) at such speed and in such a manner as may endanger the driver or rider or endanger or inconvenience any other person.

(2) A person must not drive or ride a vehicle on Board land unless the person is the holder of a current licence issued under the *Traffic Act 1949* to drive or ride that class of vehicle.

### **Parking vehicles**

**14.** A person must not park a vehicle or cause, permit or allow a vehicle to be parked on Board land—

- (a) in an area where designated parking spaces are provided—in a place other than in a designated parking space; or
- (b) in an area where no designated parking spaces are provided—in a position where the vehicle may be a nuisance or impede the movement and flow of normal traffic through the area.

### **Animals on Board land**

**15.** A person must not cause, permit or allow—

- (a) an animal belonging to that person or in that person's charge, except a guide dog, to enter or remain on a reserve; or
- (b) an animal belonging to that person or in that person's charge, to enter or remain on Board land other than a reserve unless the animal is and remains under control, and is restrained from causing annoyance to any person, and from injuring, destroying or disturbing any fauna or forest product.

### **Death of animal on Board land**

**16.** The owner or person in charge of an animal that dies on Board land must remove the carcass.

### **Abandonment of animal**

**17.** A person must not, on Board land, abandon an animal belonging to that person or in that person's charge.

## **PART 4—USE OF BOARD LAND—WATER-BASED ACTIVITIES**

### **Taking fish on a reserve**

**18.** A person must not take fish from a reservoir, river, creek, stream,

water-hole or water supply on Board land except—

- (a) from a reserve; and
- (b) during such periods as the Board may determine and of which the Board gives notice on the reserve.

### **Permit to navigate vessel**

**19.** A person must not navigate a vessel or cause or permit a vessel to be navigated on a reservoir unless that person is the holder of a current permit issued by the Board.

### **Signs to designate areas for launching etc.**

**20.** A person must not, on Board land—

- (a) launch a vessel or cause or permit a vessel to be launched on a reservoir, or take a vessel from a reservoir, except within an area designated by a sign as a launching area; or
- (b) moor a vessel or cause or permit a vessel to be moored on a reservoir except within an area designated by a sign as a mooring area; or
- (c) beach, clean or repair a vessel or cause or permit a vessel to be beached, cleaned or repaired except within an area designated by a sign as a beaching area.

### **Areas designated by a sign for use by motor boats and other vessels**

**21.** A person must not navigate, or cause or permit to be navigated—

- (a) a motor boat, in an area designated by a sign by the Board for use by vessels other than motor boats; or
- (b) a vessel other than a motor boat, in an area designated by a sign by the Board for use by motor boats;

except with the written permission of an authorised officer.

**Not to navigate near dam wall etc.**

**22.** A person must not navigate a vessel, or cause or permit a vessel to be navigated on a reservoir, within 200 m or such greater distance as the Board may notify by a sign, of the following—

- (a) a dam wall;
- (b) a spillway;
- (c) a pumping station tower.

**Certain vessels not to be launched in a reservoir**

**23.** A person must not launch in a reservoir—

- (a) a vessel painted with tar, creosote or other phenolic compounds;  
or
- (b) a vessel fitted with a toilet capable of being emptied into the reservoir.

**Not to pollute or damage**

**24.** A person must not wilfully, or negligently, on Board land—

- (a) introduce or pour into the waters of a reservoir, or onto the land adjoining a reservoir, any substance likely to pollute the waters;  
or
- (b) do any damage to a dam wall, a spillway or a pumping station tower.

**Liability for expense**

**25.** Where a person has breached section 24, the Board may recover the amount expended by it to remedy any damage occasioned by the breach, as a debt in any court of competent jurisdiction.

**Not to navigate negligently etc.**

**26.** A person must not, on a reservoir, navigate a vessel or cause or

permit a vessel to be navigated negligently, recklessly or in a manner that is dangerous to or likely to cause injury to a person or likely to cause damage to a vessel or property.

### **Swimming**

**27.** A person must not swim in a reservoir, except in an area designated by a sign as a swimming area.

### **Wearing of life jacket**

**28.(1)** A person must not take part in any recreational activity other than canoeing, rowing or swimming, in or on a reservoir unless that person is wearing a life jacket of a type approved under the law of Queensland relating to safety equipment to be carried on vessels.

**(2)** An authorised officer may instruct a person whom the officer finds contravening or whom the officer suspects on reasonable grounds is contravening subsection (1) to remove himself or herself from the reservoir immediately.

### **Mooring buoys**

**29.** A person must not anchor a mooring buoy or cause or permit a mooring buoy to be anchored in a reservoir, except with the permission of the Board and in accordance with the conditions (if any) imposed by the Board.

### **Direction to remove vessel from reservoir**

**30.(1)** A person must not continue to navigate a vessel or cause or permit a vessel to be navigated on a reservoir after an authorised officer has lawfully directed the person to remove the vessel from the reservoir.

**(2)** An authorised officer, when giving a direction under subsection (1), is to give the person the reason for giving the direction.

### **Navigation in accordance with conditions**

**31.** A person must not navigate a motor boat or cause or permit a motor boat to be navigated on a part of a reservoir specifically set aside for use by motor boats, other than in accordance with the conditions imposed by the Board and notified by a sign in the vicinity of that part of the reservoir.

### **Permission to conduct regatta etc.**

**32.(1)** A person must not conduct a regatta or other organised activity on a reservoir without a permit issued by the Board.

**(2)** A person not taking part in a regatta or activity, must not navigate a vessel on the reservoir in such a way as to interfere with the conduct of the regatta or activity.

### **Rights in respect of regatta etc.**

**33.** When the Board has issued a permit to a person to conduct a regatta or organised recreational activity on a reservoir, the Board may grant to that person, during the period in respect of which the permit is issued—

- (a) the right to occupy and use all or part of the reservoir and adjoining foreshores; and
- (b) the right to make an admission charge, not exceeding an amount approved by the Board, for admission to that part of the reservoir and foreshores; and
- (c) the right to exclude from that part of the reservoir and foreshores any person who does not pay the admission charge.

### **Noise level**

**34.** A person must not navigate a vessel or cause or permit a vessel to be navigated in a manner that causes a level of noise that is excessive.

### **Not to disturb or annoy persons fishing**

**35.** A person navigating a motor boat on a reservoir—

- (a) must not approach within 50 m of another vessel from which fishing is taking place; and
- (b) must avoid disturbing unduly or causing annoyance to any person fishing from a bank on a reserve adjoining the reservoir.

### **Not to navigate between sunset and sunrise**

**36.** A person must not, without reasonable excuse, navigate a vessel on a reservoir, between sunset and sunrise unless—

- (a) the vessel is a houseboat for which a permit has been issued by the Board; and
- (b) the person has obtained the approval of an authorised officer.

## **PART 5—MISCELLANEOUS**

### **Fees for permits**

**37.** The Board may prescribe the fees payable to it in respect of the issue of permits under this by-law.

### **Offences and penalties**

**38.(1)** A person who contravenes or fails to comply with any provision of this by-law commits a breach of this by-law.

**(2)** A person who—

- (a) fails to do that which the person is directed or required to do; or
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this by-law commits a breach of this by-law.

**(3)** A person who contravenes or fails to comply with any direction or requirement of a sign erected or exhibited by the Board pursuant to this by-law commits a breach of this by-law.

(4) A person who commits a breach of this by-law is liable to a penalty of \$1 000.00.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. However, no amendments have commenced operation on or before that day. Future amendments of the *South East Queensland Water Board By-law 1991* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

### 3 List of legislation

**South East Queensland Water Board By-law 1991 SL No. 42**  
 pubd Gaz 10 August 1991 pp 1929–43  
 commenced on date of publication

### 4 Table of corrected minor errors

#### TABLE OF CORRECTED MINOR ERRORS under section 7(1)(j) of *Reprints Act 1992*

Section	Description
s 7(1)	omit 'person who' insert 'person whom' omit 'or who' insert 'or whom'