

Queensland



South East Queensland Water Board (Reform Facilitation) Act 1999

SOUTH EAST QUEENSLAND WATER BOARD BY-LAW 1991

**Reprinted as in force on 17 March 2002
(includes amendments up to SL No. 18 of 2000)**

This is the reprint current on the repeal date

Reprint No. 1B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This by-law is reprinted as at 17 March 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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SOUTH EAST QUEENSLAND WATER BOARD BY-LAW 1991

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SOUTH EAST QUEENSLAND WATER BOARD BY-LAW 1991

[as amended by all amendments that commenced on or before 17 March 2002]

PART 1—PRELIMINARY

1 Short title

This by-law may be cited as the *South East Queensland Water Board By-law 1991*.

2 Interpretation

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 *Transport Operations (Road Use Management) Act 1995*;

“**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.

3 Appointment of authorised officers

(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.

4 Signs

(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 *Transport Operations (Road Use Management) Act 1995* and is to have the meaning attributed to the corresponding official traffic sign by that Act.

PART 2—ACCESS TO BOARD LAND

5 Access to Board land

(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.

6 Entrance or exit

A person must not—

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

7 Order to leave Board land

(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.

8 When re-entry is a breach

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

9 Camping permit

(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.

10 Use of Board land—permit required

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.

11 Nuisance or annoyance to public

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.

12 Not to litter, damage, remove etc.

(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

South East Queensland Water Board By-law 1991

- (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.

13 Driving or riding vehicles

(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 *Transport Operations (Road Use Management) Act 1995* to drive or ride that class of vehicle.

14 Parking vehicles

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.

15 Animals on Board land

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.

16 Death of animal on Board land

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

17 Abandonment of animal

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****18 Taking fish on a reserve**

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.

19 Permit to navigate vessel

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.

20 Signs to designate areas for launching etc.

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.

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

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.

22 Not to navigate near dam wall etc.

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.

23 Certain vessels not to be launched in a reservoir

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.

24 Not to pollute or damage

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.

25 Liability for expense

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.

26 Not to navigate negligently etc.

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.

27 Swimming

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

28 Wearing of life jacket

(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.

29 Mooring buoys

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.

30 Direction to remove vessel from reservoir

(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.

31 Navigation in accordance with conditions

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.

32 Permission to conduct regatta etc.

(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.

33 Rights in respect of regatta etc.

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.

34 Noise level

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.

35 Not to disturb or annoy persons fishing

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.

36 Not to navigate between sunset and sunrise

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**37 Fees for permits**

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

38 Offences and penalties

(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 reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 17 March 2002.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfcd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	10 June 1993
1A	to SL No. 18 of 2000	21 March 2000

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

South East Queensland Water Board By-law 1991 SL No. 42

made by the South East Queensland Water Board on 26 April 1991

pubd gaz 10 August 1991 pp 1929–43

commenced on date of publication

exp 17 March 2002 (see 1999 No. 46 s 17(3) and notice pubd gaz 16 March 2000 p 989)

amending legislation—

Water Resources Legislation Amendment Regulation (No. 1) 2000 SL No. 18 pts 1–2

notfd gaz 4 February 2000

ss 1–2 commenced on date of notification

remaining provisions commenced 17 March 2000 (see s 2 and notice pubd gaz 16 March 2000 p 989)

7 List of annotations

Interpretation

s 2 def “**vehicle**” amd 2000 No. 18 s 4

Signs

s 4 amd 2000 No. 18 s 5

Driving or riding vehicles

s 13 amd 2000 No. 18 s 6