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LOCAL GOVERNMENT ACT 1995

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**TOWN OF CAMBRIDGE  
LOCAL LAW No. 21  
CONTROL OF TOWN OF  
CAMBRIDGE BEACHES**



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## TOWN OF CAMBRIDGE

**LOCAL LAW No. 21****CONTROL OF TOWN OF CAMBRIDGE BEACHES**

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Town of Cambridge hereby records having resolved on the twenty fourth day of February 1998 to make the following Local Law No. 21.

**DIVISION A—INTERPRETATION****Section 1—Definitions**

In this local law, unless the context otherwise requires, the following terms shall have the meanings set out against them respectively, that is to say—

“Appliances” shall mean and include surf boats, surf skis, floats, surf boards, hand planes, malibu boards, sand boards or any other appliance (whether motorised or not) used or capable of use as an adjunct to bathing, surf riding or other beach activities.

“Area” shall mean that part of the district of the Town of Cambridge and that part of the Indian Ocean contained within the heavy black line on the sketch in the schedule attached hereto.

“Authorised Person” “The following persons are authorised persons for the purpose of this local law:

- (a) the patrol captain of a surf life saving patrol;
- (b) a person who is a lifeguard under the local law policies;
- (c) a person who is a beach inspector under the local law policies;
- (d) other persons authorised by the Council or Chief Executive Officer to exercise the powers of an authorised person under this Local Law.

“Bathing” includes all activities involving the immersion or partial immersion of the body in water.

“Bathing Area” shall mean and include that portion of a patrolled area between lines running east and west through the signs erected for the purpose of defining a bathing area.

“Beach” shall mean and include that part of the area to the west of the western boundary of Challenger Drive and West Coast Highway.

“Burley” shall mean any substance used for the attraction of fish.

“Council” shall mean the Council of the district of the Town of Cambridge.

“Inspector” includes persons appointed as such under this local law and employees of the Town of Cambridge appointed as Rangers.

“Lifeguard” includes persons appointed as such under this local law, employed to carry out the duties of a surf life saving patrol.

“Patrolled Area” shall mean and include any part of the area which is for the time being under supervision of members of Surf Life Saving Western Australia Inc, an inspector or a lifeguard.

“Patrol Captain” means a person appointed by a recognised surf life saving club to manage the surf life saving patrol;

“Patrol flag” means a red and yellow flag of the design prescribed by Australian Standard 2416 (1995);

“Recommended bathing area sign” means a blue and white sign of the design prescribed by Australian Standard 2416 (1995);

“Shark Alarm flag” means a red and white quartered flag of the design prescribed by Australian Standard 2416 (1995);

“Surf Life Saving Club” means a club affiliated with Surf Life Saving Western Australia Inc for the purpose of carrying out patrols within the area.

“Surf Life Saving Equipment” means equipment for use in sea rescue, surf life saving activities or the provision of first aid.

“Surf Life Saving Patrol” means the members of a recognised surf life saving club assigned by the club to patrol a bathing area or part of a bathing area at a particular time.

**DIVISION B—CONDUCT****Section 2—Council Responsibilities**

2.1 The Council may set aside within the area and designate by exhibiting appropriate signs specified areas within which—

- (a) bathing is restricted or prohibited;

- (b) boats may be launched, taken up from the sea or beached;
- (c) vehicles may be driven to or from or turned about at launching sites;
- (d) the playing of games is prohibited;
- (e) dogs may be exercised;
- (f) fishing is prohibited or is restricted;
- (g) cooking fires are permitted;
- (h) appliances either generally or of a particular class are prohibited;
- (i) specific types of activity may take place.

2.2 The designation of areas under paragraph (b), (c), (e), (g) or (i) of clause 2.1 shall have the effect of prohibiting other areas from being used for that purpose.

2.3 Every person using a vehicle to tow a boat to a launching site shall use the road set aside for that purpose and, after the launching shall withdraw the vehicle from the road.

2.4 The Council may fence or otherwise close to the public any part of the area for the purpose of conserving or re-establishing the environment of the area or any part thereof or to carry out any work for that purpose.

2.5 Maximum penalty for contravention of the provisions of Section 2 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

### **Section 3—Conduct without Council permission**

3.1 A person shall not without the written permission of the Council—

- (a) permit a horse to be or remain on the beach;
- (b) drive a motor cycle, motor vehicle or other vehicle on the beach;
- (c) bet, or offer to bet publicly or conduct or take part in any gambling game or contest;
- (d) except in the normal competitive or training activity of a surf life saving club or in meetings of such a club convened and held in accordance with its constitution, engage in any public speaking or conduct any meeting, entertainment or athletic or aquatic competition;
- (e) sell or hire or offer for sale or hire any equipment, goods, produce or merchandise;
- (f) operate any broadcasting or public address system or apparatus other than those employed or used by a surf life saving club in the performance of its functions as such;
- (g) operate any radio or amplified music or play any instrument at such volume as to cause annoyance to other persons.

3.2 Persons confined to a wheel chair, including motorised wheelchair, due to physical impairment, are exempt of sub clause (b) and may have access to the beach.

3.3 Maximum penalty for contravention of the provisions of Section 3 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

### **Section 4—Public Conduct**

4.1 A person shall not—

- (a) bathe in an area in which bathing is prohibited, declared dangerous or reserved for the launching and beaching of surf boats operated by a Surf Life Saving Club;
- (b) launch a boat from a site or area in which the launching of boats is prohibited;
- (c) drive a vehicle to or from or turn a vehicle about at a launching site other than in an authorised area;
- (d) play a game in an area in which the playing of games is prohibited;
- (e) play any game or participate or take part in any sport or activity or do any other act or thing which is or may be detrimental to the environment of the area or cause danger, inconvenience or annoyance to persons bathing or using a beach;
- (f) fish in an area in which fishing is prohibited or fish contrary to the restrictions in an area in which fishing is restricted to fishing in a particular manner;
- (g) use an appliance in an area in which appliances are prohibited or use an appliance of a particular class in an area where appliances of that class are prohibited;
- (h) use any appliance in such a way as to cause or be likely to cause injury or annoyance to any other person;
- (i) exercise a dog in an area other than that designated for the purpose of exercising dogs;
- (j) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (k) enter, pry, look into or loiter outside any lavatory, dressing shed or other building or portion of a building;
- (l) except to put on or remove a garment or garments worn over a bathing costume, dress or undress or remove or disarrange any part of his/her bathing costume in any place open to public view or in any building other than such as is specifically set aside by the Council for the purpose;
- (m) not being a member of a surf life-saving club acting in the course of his duty, climb upon or over any building, tower or other structure;
- (n) enter any portion or place that has been fenced off or otherwise closed to the public;

- (o) without the authority of the Council place any sign on the beach or move any sign placed on the beach;
- (p) alter, cut mutilate, deface or disfigure or otherwise damage any flag, sign, building or structure or throw lighted matches therein or thereon;
- (q) cut, damage, uproot or remove any grass, plant, shrub or tree;
- (r) except in an area set aside for cooking fires, light any fire;
- (s) consume any intoxicating liquor, except—
  - (i) on a portion of the area leased by the Council on such conditions as permit the consumption of intoxicating liquor thereon; or
  - (ii) on a portion of the area in respect of which the Council has given approval for the consumption of intoxicating liquor, and then only in accordance with any conditions laid down by the Council;
- (t) being under the influence of intoxicating liquor, enter or remain in the area or fail to depart from the area on being ordered to do so by an authorised person;
- (u) load or discharge any spear gun;
- (v) drive any mechanically propelled vehicle (other than a boat) except within a part of the area designated for that purpose;
- (w) drive a boat or personal watercraft into an area where persons are bathing in such a manner as to cause or be likely to cause annoyance or injury to any person bathing or about to bathe;
- (x) cause or permit any surf-ski, surf-board or float to enter any place where bathers are congregated together to the danger or annoyance of those bathers;
- (y) swim out to sea such a distance that in the event of his being overtaken by danger or encountering difficulty, the life of anyone attempting to rescue him might be endangered;
- (z) fail to leave the water during the course of a rescue when so required by an authorised person;
- (aa) fail to leave the water within the bathing area after a shark alarm has been given pursuant to clause 7.8 of this local law;
- (ab) bathe within a bathing area after a shark alarm has been given and before the signal of “all clear” has been given.

4.2 The provisions of paragraphs (b) and (g) of clause 4.1 shall not apply to a member of a surf life saving club acting in the course of his duty.

4.3 Every person over the age of four years shall, while in the area and exposed to public view, in order to secure the observance of decency, be adequately clad.

4.4 Where the beach patrol officer or inspector appointed by the Council considers that the costume or other clothing of any person in the area is not adequate to secure decency the officer or inspector may order that person to put on adequate clothing and if such person refuses he may be removed from the area or to another part thereof by any beach patrol officer or inspector.

4.5 Maximum penalty for contravention of the provisions of Section 4 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

#### **Section 5—Conduct relating to animals**

5.1 The Council may set aside an area or areas for the purposes of exercising dogs. Dog exercise areas will be designated by appropriate signage at each extremity of the area or areas as defined by the Council.

5.2 Except in the areas as specified in clause 5.1, with the permission of the Council or under the authority of a local law made under the Dog Act, 1976, a person shall not allow any animal or bird under his control to be on the beach;

5.3 Any animal found on the beach in contravention of this local law may be removed and dealt with in accordance with the provisions of the Dog Act, 1976, or other law relating to the impounding of animals or as the case may require and any bird found in the defined area in contravention of this local law may be destroyed.

5.4 Maximum penalty for contravention of the provisions of Section 5 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

#### **Section 6—Conduct relating to fishing**

6.1. A person shall not at any place within the area whether that place is one in which fishing is permitted or not—

- (a) clean fish or cut bait;
- (b) leave or deposit fish offal on land other than in bins provided for that purpose;
- (c) use any burley or oil or composite material such that it will cause discomfort to other beach users or be detrimental to the environment;
- (d) without written permission of the Council, fish for sharks by use of set or buoyed lines or use blood or any other lure, for the purpose of attracting sharks.

6.2 Maximum penalty for contravention of the provisions of Section 6 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

**DIVISION C—DESIGNATED AREAS****Section 7—Bathing in Designated Areas**

7.1 An authorised person shall mark out a bathing area within the patrolled area by erecting at each extremity thereof "Recommended Bathing Area" signs which comply with Australian Surf Life Saving Standard 2416 (1995).

7.2 The area selected as a bathing area must be the part of the patrolled area that is, in the authorised persons opinion, the safest and most suitable for bathing in view of the prevailing conditions.

7.3 If in addition to the signs referred to in clause 7.1, patrol flags which comply with Australian Surf Life Saving Standard 2416 (1995) are erected by an authorised person at each extremity of the area defined by those signs, those flags indicate that the area is for the time being provided with lifesaving services by an authorised person.

7.4 Where at any time, having regard to prevailing conditions, an authorised person is of the opinion that—

- (a) the bathing area should be changed, he may remove the patrol flags or signs or if the case requires both and re-erect them within the area;
- (b) conditions within the area are so dangerous as to warrant that action;

he may close the beach by removing all patrol flags and signs and erecting in a central position within the bathing area a "Beach Closed" sign which complies with Australian Surf Life Saving Standard 2416 (1995).

7.5 During any time life saving services are not provided in the bathing area, an authorised person shall remove all the patrol flags and signs referred to in this local law.

7.6 An authorised person may—

- (a) place any life saving gear or appliance in a position in the area considered by him to be the most suitable;
- (b) set aside an enclosure of a size no greater than 20 square metres for the exclusive use of members of a life saving patrol;
- (c) 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; and
- (d) require any or all persons to leave the water within the bathing area or any part thereof, during the course of any rescue or as a preventative action;

7.7 During the presence in or near a bathing area of a shark or other danger, an authorised person may cause a shark alarm to be given by the prolonged ringing of a bell or the prolonged sounding of a siren and the erection of a "Shark Alarm" flag upon the lookout tower and some other prominent position, or by the holding of a "Shark Alarm" flag stationary above the head.

7.8 When the authorised person is of the opinion that there is no longer any danger, he shall cause the signal "all clear" to be given, by a short ringing of the bell or a short sounding of the siren followed by the taking down of the "Shark Alarm" flag.

**Section 8—Use of Appliances**

8.1 The Council may set aside and designate by signs a part of the patrolled area (other than the bathing area) for use by persons using appliances, either generally or of a particular class.

8.2 Children under the age of 12 may use rubber or plastic floats up to a maximum length of 600mm in the designated swimming area provided that such devices do not create a nuisance or a hazard to other swimmers.

**DIVISION D—AUTHORISED PERSONS****Section 9—Surf Life Saving Clubs and Patrols**

9.1 The Council may, from time to time, authorise a surf life saving club to—

- (a) set apart, temporarily and with adequate public notice, any part of the beach for the holding of a non-life saving competition;
- (b) enclose a competition area;
- (c) 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, but so that the areas are clearly defined as to the nature of their respective uses;
- (d) fix and publicly advertise the terms and conditions of entry of the public into a competition area, but so that the terms and conditions of such entry shall be clearly defined by notice erected at each end and at every entrance of the competition area.

9.2 During the period of the authorisation provided by clause 9.1 a person shall not—

- (a) enter into or remain within a competition area except upon compliance with the conditions of admission indicated by notices at the entrance or entrances to the area;
- (b) being a member of the public enter upon any part of the competition area set aside for competition use; or
- (c) do any act or thing to create, or which is likely to create any interruption or interference to the smooth running of the competition.

9.3 A person shall not—

- (a) assist or attempt to assist in the use of any life saving equipment or appliance or in any way interfere with its use unless so requested or authorised by an authorised person or a member of a life saving patrol;

- (b) interfere with, damage or destroy any notice, life saving equipment or appliance;
- (c) place any clothing, towel or any other object, matter or thing on any notice, life saving equipment or appliance;
- (d) encroach upon any area in which any life saving equipment or appliance is located or is being used or in which life saving or first aid treatment is being administered to any person;
- (e) obstruct any authorised person or member of a life saving patrol providing life saving services;
- (f) enter upon or loiter in any enclosure set aside for the exclusive use of members of a life saving patrol pursuant to this local law;
- (g) refuse to remove any beach umbrella, sunshade, beach coat or any other thing in his control that may impair the view of the bathing area from the enclosure set aside for the exclusive use of members of a life saving patrol pursuant to this local law;
- (h) unless he is a member of a life saving patrol on duty, wear a red and yellow quartered swimming cap, in or upon any bathing area;
- (i) unless he is an inspector appointed by the Council or the Chief Executive Officer pursuant to this local law wear a badge or a T-shirt or other article bearing the words "Beach Inspector";
- (j) in any way interfere with any other person in the defined area.

9.4 Maximum penalty for contravention of the provisions of Section 9 shall be as prescribed by Section 11—Miscellaneous and Penalty Provisions.

### **Section 10—Appointment and Powers of Authorised Persons**

10.1 The Council may appoint any of its members or employees to be an inspector under this local law.

10.2 The Council may appoint any member of a surf life saving club to be an authorised person under this local law but a member so appointed shall not prosecute any person for a breach of any provisions of this local law, but shall report the breach to the Council for such action as it may care to take.

10.3 Every person appointed as an inspector or authorised person as provided by this Section shall be given a certificate of his appointment and the production of this certificate of appointment by a person exercising authority under this local law is prima facie evidence of the appointment and authority.

10.4 Every member of the Western Australian Police Force has the power of an inspector under this local law.

10.5 An inspector or authorised person finding any person committing or attempting to commit a breach of any of the provisions of this local law may demand of that person his name and current and usual place of abode and shall thereafter report the fact of the breach and the name and place or places of abode of the offending person to the Council, as soon as practicable.

10.6 Every person who refuses to state his name and place or places of abode or gives a false name and/or false place of abode to an inspector or authorised person is guilty of an offence.

10.7 An inspector appointed under this local law may seize and impound for a period not exceeding three months any device, bathing appliance or fishing equipment where the device, appliance or equipment is being used contrary to the provisions of this local law.

10.8 If any such device referred to in clause 10.7 has been impounded and has not been claimed by the owner thereof within two months after the expiration of the period for which it was impounded, the Council may sell or dispose of the device in such manner as the Council shall deem fit.

## **DIVISION E—MISCELLANEOUS AND PENALTY PROVISIONS**

### **Section 11—Miscellaneous and Penalty Provisions**

11.1 Where anything by this local law is directed to be done or forbidden to be done or where authority is given to any person to direct anything to be done or to forbid anything to be done and such act so directed to be done remains undone or such act forbidden to be done is done in every such case the person making such default as to such direction and prohibition respectively shall be deemed guilty of a breach of this part of this local law.

11.2 Every person guilty of a breach of this local law shall be liable for every such offence, besides any costs which may be incurred in the taking of proceedings against such person guilty of such offence as well as any costs or expenses which may be incurred in the execution of the work directed to be so executed and not so executed, to a penalty not exceeding five thousand dollars for every breach or to a penalty not exceeding five hundred dollars for each day during which such breach shall be committed or continued.

11.3 The modified penalty for an offence against this Local Law is dealt with under Section 9.17 of the Act is \$100.

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This local law was made by the Cambridge Town Council at an Ordinary Meeting held on the twenty fourth day of February 1998 and the Common Seal was affixed in the presence of—

ROSS J. WILLCOCK, JP., Mayor.  
GRAHAM D. PARTRIDGE, Chief Executive Officer.



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