

Western Australia

**Local Government Model By-laws (Safety,
Decency, Convenience and Comfort of Persons
In Respect of Bathing) No. 14**

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Decency, Convenience and Comfort of Persons
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**Local Government Model By-laws (Safety, Decency, Convenience and
Comfort of Persons In Respect of Bathing) No. 14**

Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960

**Local Government Model By-laws (Safety,
Decency, Convenience and Comfort of Persons
In Respect of Bathing) No. 14**

Local Government Department,
Perth, 3rd February 1964.

L.G.D.908/62.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to cause the draft model by-laws set out in the schedule hereto to be prepared and published.

2. Councils proposing to adopt the draft model by-laws are required, before conforming with the provisions of section 258 (4) of the Act, to invoke an extension of their by-law making powers under the provisions of section 190 (8) thereof.

A. E. WHITE,
Secretary for Local Government.

1. Citation

These by-laws may be cited as the *Local Government Model By-laws (Safety, Decency, Convenience and Comfort of Persons in respect of Bathing) No. 14*.

2. Area of application

These by-laws apply to the rivers, water courses, tidal and non-tidal waters, in or outside but adjoining the district of the municipality, the area between high water mark and low water

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mark, and in the sea adjoining the district for a distance of 183 metres seaward from low water mark at ordinary spring tides, and to reserves numbered

[By-law 2 amended by Gazette 21 June 1974 p.2091.]

3. Interpretation

In these by-laws, unless the context otherwise requires —

“authorised person” means a Beach Patrol officer or Inspector of the Council appointed as such or any member of a life-saving patrol who is in charge of that patrol;

“bathing” includes entry into the sea and emerging therefrom; it also includes the use of bathing appliances;

“bathing appliance” means a float of any material, surf ski, surf board, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

“bathing area” means an area that is from time to time set aside pursuant to by-law 10 of these by laws as a bathing area;

“boat” means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under the sea;

“building or structure” means any thing erected or placed on land unless in the circumstances of a particular case, a Court required to decide the case declares otherwise but in any case includes a fence erected in the district of a city or of a town or in a townsite and also includes all plumbing, electrical installations, fittings, fixtures and all furniture or other contents of a building and all structures in the open air such as notices, signs, seats, fences, walls, drains, showers, roads, footpaths, memorials and the like, erected by or with the consent of the Council;

“Council” means the Council of the municipality;

“defined area” means the area set out in bylaw 2 of these by-laws;

“inspector” means a person appointed as such under these by-laws;

“life-saving club” means a lifesaving club affiliated with the Western Australian State Centre of the Surf Life- Saving Association of Australia or any branch thereof;

“life-saving gear or appliance” means a life-saving reel, box, line, outfit, line or belt, patrol or signal flag, notice board, blanket, signal whistle, bell or siren, transhailer, patrol cap, patrol enclosure, lookout tower, any article of resuscitation or first aid equipment and broadcasting equipment, watercraft or any other gear or appliance for use in the provision of life-saving services or for the training of life-saving club members in their duties;

“life-saving patrol” means a patrol comprising such members of a life-saving club as are appointed by that club from time to time to provide life-saving services in the defined area, and the term includes a servant of the council appointed as a beach patrol officer or inspector;

“life-saving services” includes service provided in the defined area by the Council or by a life-saving club under the authority of the Council for the protection and safety of persons bathing in or upon that area;

“patrol flag” means a flag or notice erected at the limits of a bathing area to denote the limits of that area;

“patrolled area” means an area within the defined area whereon a life-saving patrol is operating;

“person” includes in the plural a group of persons and a club, association, or other body of persons;

“watercraft” means any bathing appliance or boat and the equipment thereof used or intended for use by a member of a life-saving club or patrol for life-saving purposes;

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4. Council may set aside areas for certain activities

- (1) For the purpose of ensuring the safety, comfort and convenience of bathers, and to regulate the conduct of bathers and others, the Council may set aside within the defined area, and designate by exhibiting appropriate signs, areas within which —
- (a) bathing is permitted at all times or is restricted or prohibited;
 - (b) boats may be launched or taken up from the river or sea;
 - (c) vehicles may be driven to, or from, or turned about at, launching sites;
 - (d) the playing of games on the beach is prohibited and areas within which the playing of games is permitted;
 - (e) the sale of goods and services is permitted or prohibited;
 - (f) fishing is permitted, prohibited, or is restricted to fishing in a particular manner;
 - (g) fires may be lighted for barbecues; and
 - (h) bathing appliances, either generally or of a particular class, may be used or prohibited.
- (2) The designation of areas under paragraph (b) or (c) of sub-by-law (1) of this bylaw has the effect of prohibiting other areas from being used for that purpose.

5. Certain activities prohibited in defined areas

A person shall not —

- (a) bathe in an area in which bathing is prohibited;
- (b) launch a boat from a site or area in which the launching of boats is prohibited;
- (c) play games in an area in which the playing of games is prohibited;
- (d) sell goods or services in an area in which their sale is prohibited;

- (e) 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.

6. Behaviour of persons in defined areas

A person shall not, within the defined area —

- (a) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (b) enter, pry, look into, or loiter outside, any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the other sex;
- (c) 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 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;
- (d) not being a member of a life-saving club acting in the course of his duty, climb on, or over, any building or structure;
- (e) enter any portion or place that has been fenced off or otherwise closed to the public;
- (f) alter, cut, mutilate, deface or disfigure or otherwise damage any building or structure or expectorate or throw lighted matches therein or thereon;
- (g) break, or permit to be broken, any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind, other than in receptacles provided for that purpose;
- (h) injure, cut, break, deface, pull up, pick, remove or destroy any tree, shrub, flowers, grass or plant of any kind or description or, without the consent of the Council, plant any such or sow any seed;

bl. 6

- (i) without the written consent of the Council, cut, collect or remove any timber, firewood, stone, sand or other material, other than seaweed;
- (j) 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;
- (k) being obviously under the influence of drink, enter or remain in the area or fail to depart from the area, on being ordered to do so by a beach patrol officer or Inspector of the Council;
- (l) not being a servant of the Council or a member of a life-saving club acting in the course of his duty as such, carry or discharge any firearm, air gun or other missile discharging device (other than a speargun) or throw discharge any firework, stone, spear or other missile;
- (m) load or discharge any speargun, unless the speargun is under water and forty-five metres or more from any swimmer, other than a companion spear fisherman;
- (n) drive any mechanically propelled vehicle (other than a boat) except within a part of the area designated for that purpose;
- (o) except in an area set aside for barbecues, light any fire;
- (p) drive a boat 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;
- (q) ski into any place where bathers are congregated together, to the danger or annoyance of those bathers; or

- (r) play games in such a way as to cause inconvenience and annoyance to persons bathing or using a beach.

[By-law 6 amended by Gazette 21 June 1974 p.2091.]

7. Certain activities prohibited except with consent of Council

Unless he has first obtained the consent of the Council in writing, a person shall not, within the defined area —

- (a) bet, or offer to bet, publicly or conduct or take part in any gambling game or contest;
- (b) except in the normal competitive or training activity of a lifesaving 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 competition of an athletic or natatorial nature;
- (c) sell or hire or offer for sale or hire any equipment, goods, produce or merchandise;
- (d) operate any broadcasting or public address system or apparatus, other than those employed or used by a life-saving club in the performance of its functions as such;
- (e) advertise anything by any means, or display or distribute any notice, pamphlet or document;
- (f) solicit, purchase or offer to purchase bottles; or
- (g) operate any radio, record player or radiogram at such volume as to cause annoyance to other persons in or near the area.

8. Animals

- (1) Except with the permission of the Council, or under the authority of a by-law made under the *Dog Act 1903*, a person shall not allow any animal or bird under his control to enter the defined area.

bl. 9

- (2) The Council may permit a horse or a donkey to be brought into and remain in the defined area, subject to such conditions as the Council may see fit to impose.
- (3) Any animal found in the defined area in contravention of this by-law may be removed and dealt with in accordance with the provisions of the *Dog Act 1903*, or as the case may require, any other law relating to the impounding of animals, and any bird found in the defined area in contravention of this by-law may be destroyed.

9. Fishing

- (1) Where the Council sets aside areas in which fishing is prohibited, it shall exhibit signs indicating that fishing is prohibited between the signs.
- (2) A person shall not, at any place within the defined area, whether that place is one in which fishing is permitted or not —
 - (a) clean fish or cut bait on any seat or handrail;
 - (b) leave or deposit fish offal on land or in the sea within 183 metres of any portion of the beach at which persons are swimming or are likely, within twelve hours thereafter, to be swimming; or
 - (c) 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.

[By-law 9 amended by Gazette 21 June 1974 p.2091.]

10. Boats

- (1) Where the Council sets aside areas or sites for the launching and beaching of boats at any place within the defined area, it shall exhibit signs indicating that the area is one in which that action may be taken.

- (2) The Council may set aside areas in which boats may be left or parked and a boat may not thereupon be left on the beach in an area other than that so set aside.
- (3) Every person using a car or other 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 that road to an area set aside for parking in the defined area or, where there is no such area set aside, shall remove the vehicle to a place where it may lawfully be parked.

11. Camping

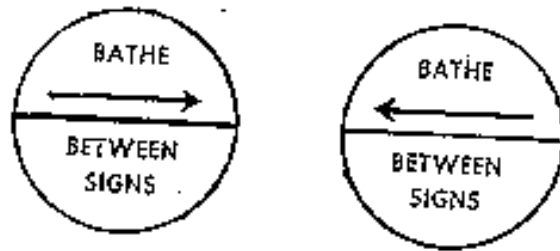
Except with the written permission of the Council obtained at least twenty-four hours in advance, a person shall not within the defined area —

- (a) camp, lodge at night in, or occupy as sleeping quarters, any stall, building, tent or structure of any kind; or
- (b) erect any tent, camp, hut or other structure, other than a beach shade or windbreak erected for use during the hours of daylight and dismantled and removed during those hours on the same day.

12. Life saving

- (1) The authorised person who first commences morning duty shall, during the patrol season approved by the Western Australian State Centre of the Surf Life-Saving Association of Australia and during any additional period for which the Council may maintain its paid beach inspector on duty, immediately upon commencing duty, select what in his opinion is the safest and most suitable part of the patrolled area to be set aside as a bathing area and shall thereupon define the limits of that area by erecting at each extremity thereof either a red and yellow patrol flag at least 760 millimetres square, the signs depicted and described hereunder, or both those flags and those signs.

bl. 12



Description of Signs

The sign shall have a minimum diameter of 600 millimetres and at its lowest point shall be at least 2.1 metres, and not more than three metres, above the immediate ground level.

The upper half of each sign shall be painted yellow and the lower half red. The sign shall be lettered in black, with lettering at least seventy-five millimetres high.

- (2) The erection of the patrol flags or signs described in this by-law, or both, and their re-erection as hereinafter provided, indicates the bathing area whereat an officer of the Council appointed as a permanent beach patrol or, as the case may be, a surf lifesaving club, is, for the time being, providing life-saving services in the defined area.
- (3) Where at any time, having regard to prevailing conditions, an authorised person is of the opinion that the bathing area should be changed, he may remove the patrol flags or signs or if the case requires, both, and re-erect them in another position within the area.
- (4) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that 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 sign such as is depicted and described hereunder.



The sign shall be painted white with red lettering at least seventy-five millimetres in height and shall be at least 900 millimetres in length by 600 millimetres in width and its lowest point shall be not less than 2.1 metres and not more than three metres above the immediate ground level.

- (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 by-law.
- (6) An authorised person may —
 - (a) place any life-saving gear or appliance in a position on the defined area considered by him to be the most suitable;
 - (b) set aside a roped enclosure not greater than 3.7 metres square, 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.
- (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 shark alarm bell or a long blast on a shark alarm siren and the erection of a red and white quartered flag upon the lookout tower or some other prominent position, or by the holding of a red and white quartered flag stationary above the head; and when the authorised person is of

bl. 13

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 shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red and white quartered flag.

- (8) 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 bathing appliances, either generally or of the particular class concerned, at any time during which the discontinuance of use of bathing appliances (either generally or of a particular class) is ordered pursuant to paragraph (c) of sub-by-law (6) of this by-law, and the part so set aside may be defined by notice, flag or such other means as may be thought necessary.

- (9) Every member of a life-saving patrol shall wear a red and yellow quartered swimming cap, whilst engaged on patrol.

[By-law 12 amended by Gazette 21 June 1974 p.2091.]

13. Life saving competitions

- (1) The Council may, from time to time, authorise a life-saving club to —
- (a) set apart, temporarily, any part of the defined area, for the holding a life-saving competition;
 - (b) enclose a competition area with rope, hessian, wire or other means;
 - (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; and
 - (d) fix 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.

- (2) During the period of the authorisation provided by sub-by-law (1) of this by-law, 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 areas;
 - (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.

14. Proper and adequate clothing to be worn

- (1) Any person over the age of four years bathing within defined area in water exposed to the public view or using the beach for sun-bathing in the public view, shall, in order to secure the observance of decency, be properly and adequately clad.
- (2) Where a beach patrol officer or inspector appointed by the Council considers that the costume or other clothing of any person using the defined area is not proper and adequate to secure decency, the officer or inspector may order that person to put on adequate clothing, and if that person refuses, he may be removed from the defined area by that officer or inspector.

15. Behaviour of persons while bathing

A person shall not within the defined area —

- (a) swim out to sea to such a distance that, in the event of his becoming in danger or difficulty, the life of anyone attempting to rescue him might be endangered;
- (b) bathe in any place that has, by notice erected by the Council or by an authorised person, been declared as —
 - (i) closed to bathing;
 - (ii) dangerous; or

bl. 15

- (iii) reserved for the launching and beaching of surf boats operated by a life-saving club;
- (c) use a bathing appliance (either generally or of a particular class) in a bathing area where the use of that appliance has been prohibited, either by notice or the verbal order of an authorised person pursuant to by-law 12 of these by-laws, or use a bathing appliance in such a way as to cause, or be likely to cause, danger, injury or annoyance to any other person;
- (d) fail to leave the water during the course of a rescue, when so required by an authorised person;
- (e) fail to leave the water within the bathing area after a shark alarm has been given pursuant to sub-by-law (7) of by-law 12 of these by-laws;
- (f) bathe within a bathing area after a shark alarm has been given and before the signal of “all clear” has been given;
- (g) assist or attempt to assist in the use of any life-saving gear 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;
- (h) interfere with, damage, or destroy any notice, life-saving gear or appliance;
- (i) place any clothing, towel or any other object, matter or thing on any notice, life-saving gear or appliance;
- (j) encroach upon any area in which any life-saving gear or appliance is located or is being used or in which life-saving or first aid treatment is being administered to any person;
- (k) obstruct any authorised person or member of a life-saving patrol providing life-saving services;
- (l) enter upon or loiter in any roped enclosure set aside for the exclusive use of members of a life-saving patrol pursuant to these by-laws;

- (m) 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 roped enclosure set aside for the exclusive use of members of a life-saving patrol pursuant to these by-laws;
- (n) 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;
- (o) unless he is an inspector appointed by the Council pursuant to these by-laws, wear a badge bearing the words, "Beach Inspector"; or
- (p) in any way interfere with any other person in the defined area.

16. Inspectors

- (1) The Council may appoint any of its members or employees to be an inspector under these by-laws.
- (2) The Council may appoint any member of a life-saving club to be an inspector under these by-laws, but a member so appointed shall not prosecute any person for a breach of any provisions of these bylaws, but shall report the breach to the Council for such action as it may care to take.
- (3) Every person appointed an inspector as provided by this by-law shall be given a certificate of his appointment and shall have issued to him a badge bearing the words, "Beach Inspector"; and the wearing of such badge or the production of the badge or of the certificate of appointment, by a person exercising authority under these by-laws, is *prima facie* evidence of the appointment and authority.
- (4) Every member of the Western Australian Police Force has the power of an inspector under these by-laws.

bl. 17. Breach of by-laws an offence

- (5) An inspector or authorised person finding any person committing, or attempting to commit, a breach of any of the provisions of these by-laws 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.
- (6) Every person who refuses to state his name and place or places of abode to an inspector or authorised person is guilty of an offence.

17. Breach of by-laws an offence

Every person who fails to do any thing required under these by-laws to be done or who does or attempts to do anything prohibited by these by-laws is guilty of an offence and is liable to a penalty of fifty pounds.

18. Regulations prevail

Nothing in these by-laws derogates from the effect of the *Navigable Waters Regulations* or any regulations made by virtue of the *Fremantle Harbour Trust Act 1902* and to the extent that there is any inconsistency between the provisions of these by-laws and any of those regulations, the provisions of the latter shall prevail.

**Local Government Model By-laws (Safety, Decency, Convenience and
Comfort of Persons In Respect of Bathing) No. 14**

Notes

- ¹ This is a compilation of the *Local Government Model By-laws (Safety, Decency, Convenience and Comfort of Persons in respect of Bathing) No. 14* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-laws (Safety, Decency, Convenience and Comfort of Persons in respect of Bathing) No. 14</i>	19 Feb 1964 p. 679-86	19 Feb 1964
	21 Jun 1974 p. 2090-1	21 Jun 1974