

WATER ACT 1989



0028651

The Goulburn-Murray Rural Water Authority makes the following by-law:

Dated:

The Common Seal of the **Goulburn-Murray Rural Water Authority** was hereunto affixed in the presence of:

..... Member
..... Member

By-law No 7 Recreational Areas

PART 1 - PRELIMINARY

Title:

1. This by-law may be cited as by-law No. 7 Recreational Areas.

Objectives:

2. The objectives of this by-law are to make provision for -
 - (a) the control, management and the use of the land, services and facilities;
 - (b) the protection of the land, services and facilities;
 - (c) the protection of people in the recreational area from injury or nuisance; and
 - (d) the conservation and preservation of flora, fauna and habitat;in recreational areas under the management and control of the Authority.

Authorising Provisions:

3. This by-law is made under sections 107 and 160 of the Act.

Application:

4. (1) This by-law applies to all recreational areas.
(2) This by-law does not apply to any of the following persons when acting in the course of that person's duties -
 - (a) a member of the police force;
 - (b) an authorised officer;
 - (c) a contractor, volunteer or other person carrying out any work for, or acting on the instructions of, the Authority;
 - (d) a person dealing with a fire, flood or other public emergency.

APPROVED
.....
as delegate of the
Minister for Agriculture & Resources
25/8/98

Definitions:

5. In this by-law:-

"Act" means the Water Act 1989.

"Authority" means the Goulburn-Murray Rural Water Authority.

"Authorised Officer" means -

- (a) any officer or employee of the Authority; or
- (b) any person appointed in writing by the Authority as an authorised officer for the purposes of this by-law.

"Boat" includes any vessel, raft or floating structure which is used or is capable of being used as a means of transportation on water.

"Camp" includes -

- (a) any tent or other temporary form of accommodation which is erected, occupied or used;
- (b) any caravan or other movable form of accommodation which is parked, occupied or used; or
- (c) any vehicle which is used for accommodation purposes.

"Dangerous Dog" has the same meaning as contained in the Domestic (Feral & Nuisance) Animals Act 1994.

"Firearm" includes -

- (a) any gun, rifle, pistol, air pistol or similar thing using cartridges or explosive means to propel any bullet or missile;
- (b) any catapult, bow and arrow or crossbow; and
- (c) any other implement designed to discharge a missile that is capable of injuring or killing people or animals.

"Houseboat" has the same meaning as contained in the Water (Lake Eildon Recreational Area)(Houseboats) Regulations 1991.

"Litter" includes any solid or liquid domestic or commercial wastes, refuse, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, garden remnants or clippings, soil, sand, concrete or rocks or any part of an animal carcass.

"Paraflying" includes using a manned kite, parachute or similar device under tow by a vehicle or boat.

"Person" includes any body corporate, or association (whether incorporated or not).

"Pontoon" includes any launching ramp, jetty, floating jetty, slalom course or ski jump.

"Recreational Area" means -



- (a) any area of land declared by the Minister for Agriculture and Resources to be a recreational area under the management and control of the Authority under section 107 of the Act; and
- (b) any water storage under the control of the Rural Water Commission immediately before the 1st November, 1990.

"Recreation vehicle" includes any mini-bike, trail bike, beach buggy or dune buggy.

"Sign" includes -

- (a) any notice, whether on a post or not;
- (b) any painted lines or words on a sealed roadway; and
- (c) any beacon, buoy or other navigational marker.

"Vehicle" means any conveyance which is used or is capable of being used as a means of transportation on land but does not include railway locomotive or rolling stock.

PART 2 - BOATING

Boating:

- 6. (1) A person must not leave or operate any houseboat except with a licence issued by the Authority.
- (2) A person must not leave or operate a boat that is -
 - (a) likely to cause danger to other people or damage to property; or
 - (b) derelict or unseaworthy.
- (3) A person must not operate a boat -
 - (a) likely to cause offence or annoyance to other people by reason of noise;
 - (b) in a careless or reckless manner;
 - (c) in a manner or at a speed that would be likely to endanger other people or cause damage to property;
 - (d) so as to obstruct, endanger or interfere with the operations or works of the Authority;
 - (e) that has a mast or aerial exceeding 12 metres above the water line; or
 - (f) contrary to any direction given by an authorised officer.
- (4) A person must not moor a boat -
 - (a) to any navigational marker;

- (b) in a manner that is likely to cause obstruction to any other boat;
- (c) contrary to any direction given by an authorised officer; or
- (d) in a boat exclusion zone.

Penalty : 20 Penalty Units

Erection or Sinking of objects on water:

7. A person must not -

- (a) construct or erect any pontoon or any other structure;
 - (b) construct or erect any object that may be likely to obstruct or interfere with the passage of boats;
 - (c) deliberately sink or scuttle any boat or pontoon; or
 - (d) carry out the salvage of any sunken boat or pontoon;
- except with the written permission of the Authority.

Penalty: 20 Penalty Units.

Regattas and boat races:

8. A person must not conduct or take part in any regatta, boat race or sporting fixture involving the use of boats except with the written permission of the Authority.

Penalty : 20 Penalty Units.

Litter from boats:

9. A person must not discharge or throw from a boat any litter.

Penalty : 20 Penalty Units.

Obstruction of launching ramps:

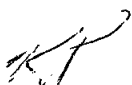
10. A person must not obstruct the launching or retrieval of boats from a launching ramp.

Penalty : 20 Penalty Units.

PART 3 - GENERAL

Authorisation of works:

11. A person must not cause or permit any fixed installation to be constructed, erected, added to or altered except in accordance with plans previously approved by the Authority.



Penalty : 20 Penalty Units.

Nuisances and other matters:

12. (1) A person must not commit any nuisance or behave in a manner which is likely to cause danger, inconvenience, alarm or annoyance to any person.
- (2) A person must not -
- (a) play a game or take part in any activity likely to cause inconvenience, disturbance or annoyance to anyone, other than in the part of the recreational area set aside for that purpose;
 - (b) use any profane, indecent or obscene language, or use any threatening, abusive or insulting words;
 - (c) behave in a righteous, indecent, offensive, threatening or insulting manner; or
 - (d) enter or use any facility -
 - (i) except for its proper purpose; or
 - (ii) set aside for persons of the opposite sex, except where the individual is a child under the age of six (6) years and is accompanied by an adult.
- (3) A person must not-
- (a) cut, fell or remove or intentionally damage or destroy any flora (whether alive or dead);
 - (b) dig, excavate or move any soil, sand, clay or rock; or
 - (c) use any poison, trap, snare or net -
- except with the written permission of the Authority.
- (4) A person must not-
- (a) deposit or cause to be deposited, any litter except in a receptacle provided for the purpose;
 - (b) bring into or cause to be brought into a recreational area and deposit in any receptacle within the recreational area any litter or household waste or rubbish; and
 - (c) convey or cause to be conveyed, any fluid or solid matters that are likely to contain substances or bacteria harmful to human, animal, plant or aquatic life, onto a recreational area except in proper receptacles or places approved by the Authority.

Penalty: 10 penalty units

Vehicles:

13. (1) A person must not drive or park any vehicle-

- (a) in a careless or reckless manner;
 - (b) on or over any surface other than a road, track, or parking area;
 - (c) so as to be likely to obstruct, impede or interfere with the operation of any launching ramp; or
 - (d) contrary to any direction given by an authorised officer.
- (2) A person must not drive any recreation vehicle except with the written permission of the Authority.

Penalty : 15 Penalty Units.

Camping & Fires:

14. (1) A person must not -
- (a) erect or use any camp that is not in a designed camping area or caravan park, except with the written permission of the Authority;
 - (b) light or maintain a fire or permit a fire to remain alight, other than in a fire place provided for that purpose; or
 - (c) leave a fire unattended.
- (2) Any person who lights a fire must take all reasonable and proper precautions to ensure that the fire does not escape from the persons control and must ensure that the fire is extinguished before leaving the recreational area.

Penalty : 20 Penalty Units.

Shooting:

15. (1) A person must not carry or be in the possession of a firearm or discharge any firearm on, from, into or over a recreational area except with the written permission of the Authority or except in accordance with the provisions of any Authority by-law relating to shooting.
- (2) Nothing in sub-clause (1) shall prohibit the carrying of a firearm across Lake Dartmouth for the purpose of hunting deer.

Penalty : 20 Penalty Units.

Business and Sporting Events:

16. A person must not without the written permission of the Authority -
- (a) undertake any commercial activity;
 - (b) hold a carnival, fete, sporting fixture or event or other similar function;
 - (c) sell, trade or hire or advertise, offer or display for sale, trade or hire any good or service;

- (d) display any sign or hand out or disseminate any material;
- (c) solicit or collect money;
- (e) deliver an address of any kind, or use any public address system, loud hailer or similar device;
- (f) take any photograph, film, video or audio recording, television or radio broadcast for commercial purposes; or
- (g) offer, display or use any vehicle or boat for hire or carry passengers for reward.

Penalty : 20 Penalty Units.

Dogs and other animals:

17. (1) A person must not bring a dog onto a recreational area or allow a dog under the person's control to enter or remain within a recreational area unless-
- (a) the dog is at all times under proper control on a leash ;
and
 - (b) the dog is effectively restrained from causing injury or annoyance to people, damage or interference to property, or disturbance or injury to wildlife.
- (2) A person must not bring a dog onto or allow a dog to enter or remain within any part of a recreational area in which dogs are prohibited.
- (3) A person must not bring a dangerous dog onto or allow a dangerous dog to enter or remain within a recreational area.
- (4) A person must not allow a dog under the person's control to enter any water.
- (5) A person must not bring or allow any other animal onto a recreational area except with the written permission of the Authority.
- (6) Nothing in this clause prohibits-
- (a) a disabled person bringing a dog into a recreational area to assist that person with respect to the person's disability;
 - (b) the use of dogs in accordance with the provisions of any Authority by-law relating to the shooting of Game Birds;
 - (c) the keeping of any domestic animal by an officer of the Authority at premises provided by the Authority for that officer; or
 - (d) the keeping of any domestic animal by a person at any caravan park situated within a recreational area, when so permitted by the proprietor of the caravan park.

Penalty: 5 Penalty Units.

Helicopters and aircraft:

18. A person must not-

- (a) land or take-off a helicopter or other aircraft;
- (b) deliver a person or thing by parachute, helicopter or other means from the air; or
- (c) land by parachute;

except-

- (i) with the written permission of the Authority; or
- (ii) in an emergency.

Penalty : 20 Penalty Units.

Aerial Sports:

19. A person must not conduct or take part -

- (1) in paraflaying -
 - (a) over water without the written permission of the Authority; and
 - (b) over land (excepting land covered by water); or
- (2) in flying an ultra light aircraft at a height less than 152.4 metres (500 feet) except with the written permission of the Authority.

Penalty: 20 penalty units.

Abandoned Property:

20. A person must not abandon any boat, pontoon or vehicle.

Penalty: 20 penalty units.

Written Permission:

- 21. (1) The Authority may issue written permission for the purposes of this by-law.
- (2) A permission under this by-law -
 - (a) is subject to such conditions (including payment of fees) as the Authority determines; and
 - (b) may be revoked by notice given in writing to the holder of the permission for any failure to comply with the permission.

- (3) A person to whom written permission is given must comply with every condition of that permission.

Penalty: 5 penalty units.

Directions by sign:

- 22. (1) The Authority may, by signs establish in such position or positions as the case requires, prohibit or regulate any act, matter or thing.
- (2) A person must not contravene any Authority sign.

Penalty : 5 Penalty Units.

Directions by authorised officer:

- 23. (1) A person must comply with any reasonable direction given by an authorised officer to that person to take action to comply with this by-law.
- (2) A person must leave a recreational area if instructed to do so by an authorised officer if that authorised officer suspects on reasonable grounds that the person has contravened this by-law.
- (3) An authorised officer may direct any owner or operator of a boat or any person apparently in charge of a boat who if that authorised officer suspects on reasonable grounds that the person has contravened this part of the by-law, to remove that person's boat from the water or the recreational area.

Penalty : 10 Penalty Units.

Penalties:

- 24. If a person contravenes or fails to comply with a provision of this by-law and the contravention or failure is of a continuing nature, an additional penalty not exceeding 5 penalty units for each day on which the offence continues-
 - (a) after service of a notice of convention on the person under section 151 of the Act; or
 - (b) if no notice of contravention is served, after conviction of the person for the offence.

