



Redland
CITY COUNCIL

Redland City Council

**Local Law No. 14
(Jetties, Ramps and Ferries) 2011**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 14 (Jetties, Ramps and Ferries) 2011*.

2 Objects

The objects of this local law are to—

- (a) regulate the use of jetties and ramps generally; and
- (b) regulate how vehicles are used on jetties and ramps; and
- (c) regulate how vessels are used at jetties and ramps; and
- (d) regulate the conduct of persons on jetties and ramps; and
- (e) require ferry services operated from jetties and ramps to be licensed.

3 Repeal

This local law repeals *Local Law No. 14 (Jetties and Loading Ramps)*.

4 Relationship with other laws

- (1) This local law is in addition to, and does not derogate from, other laws which regulate the use of jetties, ramps and ferries.
- (2) Under the *Transport Infrastructure Act 1994*—
 - (a) the Governor in Council may, by regulation, appoint a person (the *manager*) to manage a public marine facility;
 - (b) the local government is the manager of various public marine facilities mentioned in schedule 1 of the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*;
 - (c) in its capacity as manager, the local government must not allow any public marine facility to be used for a purpose other than a genuine private recreational boating purpose without the prior written consent of the chief executive responsible for the administration of the *Transport Infrastructure Act 1994*;
 - (d) in respect of each public marine facility, of which the local government is the manager, and despite any inconsistent provision of this local law—
 - (i) if the public marine facility is a boat ramp—the boat ramp must be available at all times for use by the public without charge for launching and retrieving of trailer-borne private recreational vessels; and
 - (ii) if the public marine facility is a landing—the landing must be available at all times for use by the public without charge for the embarking and disembarking operations of private recreational vessels subject to a maximum staying time which the local government may determine and display on or near the landing; and

- (iii) if the public marine facility is a landing—the landing, and any queuing facility for an associated boat ramp, must be available at all times for use by the public for launching and retrieving trailer-borne private recreational vessels at the associated boat ramp; and
- (iv) if the public marine facility is a boat ramp or landing—the boat ramp or landing must not be used for any other purpose except with the express permission of the local government obtained beforehand and, in particular, the boat ramp or landing must not be used by cranes without prior permission or above prescribed load limits; and
- (v) sections 8 and 9 of the *Transport Infrastructure (Public Marine Facilities) Regulation 2000* regulate the use of, and safety at, the public marine facility.

5 Definitions

The dictionary in the schedule defines particular words used in this local law.

6 Application

- (1) This local law applies only to those jetties and ramps owned, controlled or managed by the local government.
- (2) This local law must be read with *Local Law No. 1 (Administration) 2003*.
- (3) If there is an inconsistency between this local law and *Local Law No. 1 (Administration) 2003*, this local law will apply.

Part 2 Jetty and ramp register

7 Jetty and ramp register

- (1) This section applies if the local government makes a resolution about a jetty or a ramp in accordance with this local law, for example, a resolution about—
 - (a) animals permitted on the jetty or ramp under effective control;
 - (b) the prescribed maximum gross load limit or vehicle gross mass for the jetty or ramp;
 - (c) the prescribed vessel charge that must be paid for the use of the jetty or ramp, and the time within which the prescribed vessel charge must be paid.
- (2) The local government must record the particulars of any resolution made in accordance with this local law about a jetty or a ramp in a register (the ***Jetty and Ramp Register***).
- (3) However, the local government is not required to record in the Jetty and Ramp Register any particulars about—
 - (a) approved forms; or
 - (b) prescribed fees.
- (4) The Jetty and Ramp Register must be amended every time any of the details required to be included in the Jetty and Ramp Register under subsection (2)

change.¹

- (5) In addition to the information required to be included in the Jetty and Ramp Register under subsection (2), the local government may include additional information in the Jetty and Ramp Register that the local government considers appropriate.
- (6) The Jetty and Ramp Register must be kept available for public inspection at the local government's public office.

Part 3 Access to jetties and ramps

8 Opening hours

- (1) A jetty or ramp is open to the public at all times, unless the local government fixes times when the jetty or ramp is open to the public (the *opening hours*) under subsection (2).
- (2) The local government may, by subordinate local law, fix opening hours for a jetty or ramp.²
- (3) If the local government fixes opening hours under subsection (2), the local government must install an official sign showing the opening hours at—
 - (a) for a jetty or ramp—each public entrance to the jetty or ramp; or
 - (b) for a part of a jetty or ramp—a location which indicates clearly to users of the jetty or ramp, the part subject to the opening hours.
- (4) Except in accordance with a licence, a person must not, outside the opening hours for a jetty or ramp—
 - (a) moor a vessel at the jetty or ramp; or
 - (b) enter or remain on the jetty or ramp.Maximum penalty— 20 penalty units.
- (5) A person must comply with subsection (4) unless the person has a reasonable excuse.

9 Closure of a jetty or ramp

- (1) An authorised person may temporarily close a jetty or ramp, or a part of a jetty or ramp to public access—
 - (a) to allow for the carrying out of cleaning, construction, maintenance, repair or restoration work at the jetty or ramp; or
 - (b) in an emergency situation.
Example of emergency situation—
If there is a risk to a person or another person's safety.
- (2) The local government may, by subordinate local law, permanently close a jetty or

¹ A *change* to the particulars of a resolution includes a change by addition, exception, omission or substitution (see *Acts Interpretation Act 1954*, section 36).

² However, if the jetty or ramp is a public marine facility, see section 4(2).

ramp, or part of a jetty or ramp, to public access if the closure is necessary for—

- (a) public safety; or
 - (b) the convenience of the jetty or ramp; or
 - (c) the protection of the jetty or ramp.
- (3) If a jetty or ramp, or part of a jetty or ramp, is closed to public access under subsection (1) or (2), the local government must install an official sign advising of the closure at—
- (a) for a jetty or ramp—each public entrance to the jetty or ramp; or
 - (b) for a part of a jetty or ramp—a location which indicates clearly to users of the jetty or ramp, the part subject to the closure.
- (4) If a jetty or a ramp, or a part of a jetty or a ramp, is closed to public access under this section, except in accordance with a licence, a person must not—
- (a) moor a vessel at the jetty or ramp or the part of the jetty or ramp; or
 - (b) enter or remain on the jetty or ramp, or the part of the jetty or ramp.
- Maximum penalty— 20 penalty units.
- (5) A person must comply with subsection (4) unless the person has a reasonable excuse.

Part 4 Vehicles

Division 1 Vehicles on jetties

10 Approved vehicle licence

The local government may grant a licence (an *approved vehicle licence*) authorising a person to bring a vehicle onto, or drive or use a vehicle on, a jetty.

11 Vehicles on jetties

A person must not bring a vehicle onto, or drive or use a vehicle on, a jetty unless—

- (a) the vehicle is an essential services vehicle which is being used to provide the service for which it is designed or ordinarily used; or
- (b) the vehicle is brought onto, or driven or used on, the jetty, in accordance with the conditions of a current approved vehicle licence.

Maximum penalty— 20 penalty units.

Division 2 Vehicles on ramps

12 Use of ramps by vehicles

A person must not bring onto, or drive or use a vehicle on, a ramp unless—

- (a) the wheels of the vehicle are fitted with rubber tyres; and

- (b) the vehicle is used only for the purpose of taking goods or persons to, or the removal of goods or persons from, a vessel moored at the ramp; and
- (c) the vehicle is removed from the ramp as soon as is reasonably practicable after completion of the taking of the goods or persons to, or the removal of the goods or persons from, the vessel moored at the ramp; and
- (d) the vehicle —
 - (i) satisfies any other criteria prescribed by subordinate local law; and
 - (ii) complies with any other conditions prescribed by subordinate local law.

Maximum penalty— 20 penalty units.

Division 3 Vehicles generally

13 Vehicles load

- (1) The local government may, by resolution, prescribe for a jetty or a ramp—
 - (a) a maximum gross load limit; and
 - (b) a maximum vehicle gross mass (in tonnes).
- (2) If the local government prescribes a maximum gross load limit or a maximum vehicle gross mass for a jetty or ramp under subsection (1), the local government must install an official sign advising of the maximum limits at each public entrance to the jetty or ramp.
- (3) A person must not drive past an official sign installed under subsection (2) if the total of the gross mass of the person's vehicle, and any vehicle connected to it, is more than the gross mass indicated by the official sign.

Maximum penalty— 20 penalty units.

14 Repair of vehicles

A person must not carry out maintenance or repairs to a vehicle on a jetty or ramp, or in the approach fairway to a jetty or ramp, except in an emergency situation—

- (a) to permit the vehicle to leave the jetty or ramp; or
- (b) where to move the vehicle from its position would involve danger to the vehicle or a person.

Maximum penalty— 20 penalty units.

Part 5 Vessels

Division 1 Prohibition

15 Prohibited activities involving vessels

- (1) The local government may, by subordinate local law, declare a particular activity involving the use of a vessel at a jetty or ramp to be a prohibited activity.

- (2) The local government must install an official sign advising of each activity which is declared to be a prohibited activity at a jetty or ramp under subsection (1) at each public entrance to, as the case may be, the jetty or ramp.
- (3) If an activity is declared to be a prohibited activity at a jetty or ramp under subsection (1), a person must not engage in the activity at the jetty or ramp.

Maximum penalty— 20 penalty units.

16 Prohibition of certain vessels

- (1) If an authorised person is of the opinion that, because of a vessel's characteristics or state of repair, it is likely that the vessel would damage or present an undue risk of injury to a jetty or ramp, the authorised person may, by giving a direction to the master or owner of the vessel—
 - (a) prohibit the mooring of the vessel at the jetty or ramp; or
 - (b) permit the mooring of the vessel at the jetty or ramp, subject to any terms and conditions specified in the direction.
- (2) A direction under subsection (1) may be given orally or in writing.
- (3) A person to whom a direction is given under this section must comply with the direction unless the person has a reasonable excuse.

Maximum penalty— 20 penalty units.

- (4) For this section, the characteristics of a vessel include—
 - (a) the size and design of the vessel; and
 - (b) the type of trade or service the vessel is engaged in.

Division 2 Vessel charges

17 Prescribed vessel charges

- (1) The local government may, by resolution—
 - (a) prescribe charges (each a *prescribed vessel charge*) that must be paid by the owner or master of a vessel for the use, or particular use, of a jetty or ramp; and
 - (b) fix the time within which the prescribed vessel charge must be paid.
- (2) The prescribed vessel charge may, for example—
 - (a) differentiate between different—
 - (i) types, classes or sizes of vessel; and
 - (ii) uses or classes of use of vessel; and
 - (iii) jetties or ramps; and
 - (b) take into account the—
 - (i) frequency of use of a jetty or ramp by particular vessels; and
 - (ii) duration of mooring periods.
- (3) However, the local government must not require the payment of a prescribed vessel charge in any of the following circumstances—

- (a) the use of a boat ramp which is a public marine facility by the public for launching or retrieving of a trailer-borne private recreational vessel;
 - (b) the use of a landing which is a public marine facility by the public for the embarking and disembarking operations of a private recreational vessel;
 - (c) the use of a landing, inclusive of a queuing facility for an associated boat ramp which, collectively, are a public marine facility, by the public for launching and retrieving a trailer-borne private recreational vessel at the associated boat ramp.
- (4) The amount of any unpaid prescribed vessel charge for the use by a vessel of a jetty or ramp may be recovered as a debt by the local government from the owner or master of the vessel.
- (5) An owner or master of a vessel which uses a jetty or ramp must pay the prescribed vessel charge for the use to the local government within the time fixed under subsection (1)(b), unless the person has a reasonable excuse.

Maximum penalty— 50 penalty units.

Part 6 Regulation and prohibition of activities on jetties and ramps

Division 1 Entry

18 Entry to a jetty or ramp

- (1) A person may enter a jetty or ramp only—
 - (a) through the designated access³ for the jetty or ramp; or
 - (b) from a vessel moored at the jetty or ramp.
- (2) A person must not enter a jetty or ramp in contravention of subsection (1) , unless the person has a reasonable excuse.

Maximum penalty— 20 penalty units.

Division 2 Activities and behaviour

19 Conditions of use of jetties, ramps and facilities

- (1) The local government may, by subordinate local law, specify conditions of use of—
 - (a) a jetty or ramp or a part of a jetty or ramp; or
 - (b) a facility provided by the local government on a jetty or ramp.⁴

Example of a condition of use—

Persons who use a facility provided by the local government on a jetty or ramp must comply with a specified standard of dress and behaviour.

³ See definition of *designated access* in the dictionary.

⁴ However, if the jetty or ramp is a public marine facility, see section 4(2).

- (2) Without limiting subsection (1), the conditions of use may—
 - (a) regulate or prohibit a particular activity or behaviour; or
 - (b) relate to the use of a jetty, ramp or facility by a vessel, vehicle, person or other thing; or
 - (c) specify, for example—
 - (i) the purpose for which a jetty or ramp may be used; or
 - (ii) the type, class or size of vessel that may use a jetty or ramp; or
 - (iii) the maximum time a vessel may moor at a jetty or ramp; or
 - (iv) the dates, days, time and duration for which a jetty or ramp may be used.
- (3) If the local government specifies a condition of use under subsection (1), the local government must install an official sign advising of the condition of use—
 - (a) for a jetty or ramp—at each public entrance to the jetty or ramp; or
 - (b) for a part of a jetty or ramp—at a location which indicates clearly to users of the jetty or ramp, the part subject to the condition; or
 - (c) for a facility on a jetty or ramp—
 - (i) if the facility has a public entrance—at each public entrance to the facility; or
 - (ii) otherwise—on the facility.
- (4) If the local government specifies a condition of use under subsection (1) for a jetty, ramp or facility and installs an official sign advising of the condition under subsection (3), a person who uses the jetty, ramp or facility must comply with the condition of use unless—
 - (a) compliance with the condition is excused by a licence; or
 - (b) the person has a reasonable excuse.

Maximum penalty— 50 penalty units.

20 Prohibited activities generally

- (1) The local government may, by subordinate local law, declare a particular activity to be a prohibited activity—
 - (a) on a jetty or ramp or a part of a jetty or ramp; or
 - (b) from a jetty or ramp or a part of a jetty or ramp.
- (2) The local government must install an official sign advising of each prohibited activity declared under subsection (1) at—
 - (a) for a prohibited activity on or from a jetty or ramp —each public entrance to the jetty or ramp; or
 - (b) for a prohibited activity on or from a part of a jetty or ramp —a location which indicates clearly to users of the jetty or ramp, the part subject to the prohibition.
- (3) A person must not engage in a prohibited activity declared under subsection (1).

Maximum penalty— 10 penalty units.

21 Prohibition of smoking

- (1) This section only applies to a public transport waiting point.
- (2) The local government may, under a subordinate local law, prohibit smoking at a jetty or ramp or a part of a jetty or ramp.
- (3) The local government must install an official sign advising of each prohibition declared under subsection (2) at—
 - (a) if smoking is prohibited at a jetty or ramp — each public entrance to the jetty or ramp; or
 - (b) if smoking is prohibited at a part of a jetty or ramp — a location which indicates clearly to users of the jetty or ramp, the part subject to the prohibition.
- (4) A person must not smoke on a jetty or ramp in contravention of a prohibition under subsection (2).

Maximum penalty—20 penalty units.

22 Regulated activities

- (1) The local government may, by subordinate local law—
 - (a) declare a particular activity to be a regulated activity on a jetty or ramp or a part of a jetty or ramp; and
 - (b) impose conditions on persons engaging in the regulated activity on the jetty or ramp.
- (2) If the local government regulates an activity on a jetty or a ramp or a part of a jetty or ramp under subsection (1), the local government must install an official sign advising of the regulation of the activity at—
 - (a) for a regulated activity on a jetty or ramp—each public entrance to the jetty or ramp; or
 - (b) for a regulated activity on a part of a jetty or ramp—a location which indicates clearly to users of the jetty or ramp, the part subject to the regulation.
- (3) Except in accordance with a licence, a person engaging in a regulated activity on a jetty or ramp must comply with the conditions imposed on persons engaging in the regulated activity under this section, unless the person has a reasonable excuse.

Maximum penalty— 50 penalty units.

Part 7 Licensing of activities

Division 1 Activities licence

23 Activities licence required

- (1) The local government may, by subordinate local law, declare a particular activity

to be a licensed activity—

- (a) on a jetty or ramp; or
 - (b) on any vessel moored at a jetty or ramp.
- (2) A person must not conduct a licensed activity declared under subsection (1), unless authorised by a licence (an *activities licence*) granted under this local law.

Maximum penalty— 50 penalty units.

- (3) However, an activities licence is not required for any of the following activities—
- (a) the use of a boat ramp which is a public marine facility by the public for launching or retrieving of a trailer-borne private recreational vessel;
 - (b) the use of a landing which is a public marine facility by the public for the embarking and disembarking operations of a private recreational vessel;
 - (c) the use of a landing, inclusive of a queuing facility for an associated boat ramp which, collectively, are a public marine facility, by the public for launching or retrieving a trailer-borne private recreational vessel at the associated boat ramp.

Division 2 Ferry licence

24 Ferry licence required

A person must not operate a ferry service⁵ from a jetty or ramp unless authorised by a licence (a *ferry licence*) granted under this local law.

Maximum penalty— 50 penalty units.

Part 8 Licences

Division 1 Preliminary

25 Purpose of this part

The purpose of this part is to establish the process for granting licences under this local law.

Division 2 Obtaining and renewing licences

26 Application for a licence

- (1) A person may apply to the local government for—
- (a) an approved vehicle licence; or
 - (b) an activities licence; or
 - (c) a ferry licence.

⁵ See definition of *ferry service* in the dictionary.

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- (2) An application for a licence must—
 - (a) be in the approved form; and
 - (b) include the following information and material—
 - (i) the applicant's name and address, including emergency contact details; and
 - (ii) details of the dates, days, times and duration for which the licence is requested; and
 - (iii) details of the jetty or ramp the subject of the application, including the proportion, size and area of the jetty or ramp required; and
 - (iv) an indication of whether the applicant is seeking an exemption from compliance with—
 - (A) opening hours fixed under section 8(2); or
 - (B) the temporary or permanent closure of a jetty or ramp, or part of a jetty or ramp, under section 10; or
 - (C) a condition of use specified under section 20(1); or
 - (D) a condition imposed on engaging in a regulated activity under section 22(1); or
 - (E) another requirement of this local law; and
 - (c) be accompanied by the prescribed fee.
 - (3) The local government may, by subordinate local law, prescribe other information or material that must be included in or accompany an application for a licence.

27 Deciding application for a licence

- (1) The local government must consider each application for a licence and decide whether to—
 - (a) grant the application unconditionally; or
 - (b) grant the application subject to conditions; or
 - (c) refuse the application.
- (2) In considering an application for a licence under subsection (1), the local government must have regard to the following criteria—
 - (a) the dates, days, times and duration for which the licence is requested; and
 - (b) the proportion, size and area of the jetty or ramp required; and
 - (c) if an exemption from compliance with a requirement of this local law is sought, whether it is appropriate to give the exemption.
- (3) The local government may, by subordinate local law, prescribe other criteria the local government must have regard to when considering an application for a licence under subsection (1).
- (4) If the local government—
 - (a) grants an application for a licence, the local government must issue the applicant with a licence in the approved form; or
 - (b) refuses an application for a licence, the local government must give the

applicant written notice (a *refusal notice*) of the refusal.

- (5) A refusal notice must include a summary of the effect of part 5 of *Local Law No. 1 (Administration) 2003*.

28 Term of a licence

- (1) The term of a licence is the term specified, by the local government, in the licence.
- (2) A holder of a licence may apply to the local government to renew the licence.
- (3) An application to renew a licence must—
 - (a) be in the approved form; and
 - (b) be made at least 30 days before the licence ends; and
 - (c) specify the reasons for which the renewal is required and
 - (d) advise whether any of the information and material that was included in the original application for the licence has changed, and if so, to what extent; and
 - (e) be accompanied by the prescribed fee; and
 - (f) include or be accompanied by any other information or material prescribed by subordinate local law.
- (4) The local government must, on application for renewal of a licence, renew the licence unless—
 - (a) the local government has given the licence holder written reasonable notice of its intention not to renew the licence; or
 - (b) there is a proper ground for cancellation of the licence; or
 - (c) there is non-compliance with this local law or a condition of the licence.
- (5) The term of renewal of a licence is the term specified, by the local government, in the renewed licence.

29 Refusal of application for a licence

The local government may, by subordinate local law, prescribe reasons why, or circumstances in which, an application for a licence—

- (a) must be refused; or
- (b) may be refused.

30 Conditions of a licence

- (1) Subject to subsection (4), the local government may grant a licence, or a renewal of a licence, on conditions the local government considers appropriate.
- (2) Without limiting subsection (1), a condition of a licence may—
 - (a) provide the licence holder with an exemption from compliance with—
 - (i) opening hours fixed under section 8(2); or
 - (ii) the temporary or permanent closure of a jetty or ramp, or part of a jetty or ramp, under section 10 or

- (iii) a condition of use specified under section 20(1); or
 - (iv) a condition imposed on engaging in a regulated activity under section 22(1); or
 - (v) another requirement of this local law; and
- (b) restrict or prescribe the dates, days, times and duration when the activity the subject of the licence is permitted; and
 - (c) restrict or prescribe the proportion, size and area of the jetty or ramp used for the activity the subject of the licence; and
 - (d) relate to any other subject matter prescribed by subordinate local law.
- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed on a licence or that will ordinarily be imposed on a licence.

31 Compliance with conditions of a licence

A holder of a licence must comply with the conditions of the licence.

Maximum penalty—50 penalty units.

32 Transfer of a licence

- (1) A licence must only be transferred with the local government's approval.
- (2) A holder of a licence must apply to the local government to transfer the licence to another person.
- (3) An application to transfer a licence must—
 - (a) be in the approved form; and
 - (b) include or be accompanied by—
 - (i) the written consent of each of the licence holder and the transferee; and
 - (ii) the transferee's name and address; and
 - (iii) the information and material required for an application for a licence under section 26; and
 - (iv) any other information or material prescribed by subordinate local law.
- (4) The local government must consider each application to transfer a licence and—
 - (a) approve the application unconditionally; or
 - (b) approve the application subject to conditions; or
 - (c) refuse the application.
- (5) The local government must not—
 - (a) unreasonably refuse an application to transfer a licence; or
 - (b) impose unreasonable conditions on the transfer of a licence.

Division 3 Amendment, suspension or cancellation of licences

33 Amendment of a licence

- (1) The local government may change 1 or more of the following particulars of a licence—
 - (a) the vehicle, vehicle access, licensed activity, ferry or ferry service to which the licence relates;
 - (b) the jetty or ramp, or the part of the jetty or ramp, to which the licence relates;
 - (c) a condition of the licence.
- (2) If the local government proposes to change a particular of a licence, the local government must give the licence holder written notice (a ***proposed amendment notice***) stating—
 - (a) the local government proposes to change a particular of the licence; and
 - (b) the change proposed to the particular of the licence; and
 - (c) that the licence holder may make written representations to the local government about the proposed change within a reasonable period stated in the proposed amendment notice.
- (3) If, after considering the representations made by the licence holder within the period stated in the proposed amendment notice, the local government still reasonably believes the change should be made, the local government may change the particular of the licence.
- (4) The local government is not required to comply with subsections (2) and (3) if the licence holder agrees to the proposed change to the particular of the licence.
- (5) If the local government changes a particular of a licence under subsection (3) or (4)—
 - (a) the local government must give the licence holder written notice (an ***amendment notice***) stating the particulars of the change; and
 - (b) the change has effect from—
 - (i) the date the amendment notice is given; or
 - (ii) if a later date is stated in the amendment notice—the later date.

34 Suspension or cancellation of a licence

- (1) The local government may suspend or cancel a licence if the local government reasonably believes any of the following applies—
 - (a) the licence holder agrees to the suspension or cancellation; or
 - (b) the licence was issued in error or because of a materially false or misleading document or representation made by the licence holder either orally or in writing; or
 - (c) the suspension or cancellation is—
 - (i) necessary for the protection of public health or safety; or
 - (ii) necessary for the protection of the environment; or
 - (iii) in the public interest; or
 - (d) the licence holder—

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- (i) has contravened, or is contravening, a provision of this local law; or
 - (ii) has not complied, or is not complying, with a condition of the licence;
or
 - (e) any other ground prescribed by subordinate local law applies.
- (2) If the local government proposes to suspend or cancel a licence, the local government must give the licence holder a written notice (a ***proposed suspension or cancellation notice***) stating—
- (a) the local government proposes to suspend or cancel the licence; and
 - (b) the grounds for the suspension or cancellation; and
 - (c) the facts and circumstances that are the basis for the grounds; and
 - (d) if the local government proposes to suspend the licence — the suspension period; and
 - (e) that the licence holder may make written representations to the local government about the proposed suspension or cancellation within a reasonable period stated in the proposed suspension or cancellation notice.
- (3) If, after considering the representations made by the licence holder within the period stated in the proposed suspension or cancellation notice, the local government still reasonably believes a ground exists to make the proposed suspension or cancellation, the local government may—
- (a) if the local government proposed to suspend the licence for a stated period—suspend the licence for no longer than the proposed suspension period; or
 - (b) if the local government proposed to cancel the licence—cancel the licence or suspend the licence for a period.
- (4) The local government is not required to comply with subsections (2) and (3) if the ground for suspending or cancelling the licence is the ground specified in subsection (1)(a).
- (5) If the local government suspends or cancels a licence under subsection (3) or (4), the local government must give the licence holder written notice (a ***suspension or cancellation notice***) stating the particulars of the suspension or cancellation.
- (6) If the local government suspends a licence—
- (a) the licence is ineffective during the period of suspension; and
 - (b) the suspension has effect from—
 - (i) the date the suspension or cancellation notice is given; or
 - (ii) if a later date is stated in the suspension or cancellation notice—the later date.
- (7) If the local government cancels a licence, the cancellation has effect from—
- (a) the date the suspension or cancellation notice is given; or
 - (b) if a later date is specified in the suspension or cancellation notice—the later date.
- (8) A licence may be suspended or cancelled regardless of whether or not a prosecution has been started for an offence against this local law.

- (9) If the local government cancels a licence, the suspension or cancellation notice may also require the removal of specified goods, facilities, structures or works used, installed or undertaken in accordance with the licence in the way and by the date stated in the suspension or cancellation notice.
- (10) If a suspension or cancellation notice requires the removal of goods, facilities, structures or works, the licence holder must comply with the requirement to remove, unless the licence holder has a reasonable excuse.

Maximum penalty—50 penalty units.

35 Return of suspended or cancelled licence

- (1) If a licence is suspended or cancelled, the licence holder must return the licence to the local government within 20 business days after the suspension or cancellation takes effect, unless the licence holder has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) If a suspended licence is returned to the local government, the local government must return the licence to the licence holder at the end of the suspension period.

Division 4 Other licence related provisions

36 Production of a licence

- (1) This section applies if a person is authorised by a licence to conduct an activity at or from a jetty or a ramp.
- (2) If this section applies, an authorised person may direct, orally or in writing, that the person conducting the activity at or from the jetty or ramp produce to the authorised person the licence which authorises the conduct of the activity within a time specified in the direction.
- (2) A person must comply with a direction issued under section (2), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

37 Reservation of a jetty or ramp

- (1) If the local government temporarily sets apart a part of a jetty or ramp for vehicle access, a licensed activity or a ferry service for which a licence has been granted, the local government must install an official sign—
 - (a) advising of—
 - (i) the date and time of the vehicle access, licensed activity or ferry service; and
 - (ii) the duration of the vehicle access, licensed activity or ferry service; and
 - (iii) any restrictions on the public's access to the part of the jetty or ramp set apart; and
 - (b) at a location which indicates clearly to users of the jetty or ramp the part of the jetty or ramp that has been set apart.

- (2) During the term of a licence, a person must not—
 - (a) contravene a restriction on access as indicated on an official sign installed under subsection (1); or
 - (b) do any act or thing to create, or which may be likely to create, any interruption or interference to the vehicle access, licensed activity or ferry service the subject of the licence.

Maximum penalty—50 penalty units.

38 No exclusive rights granted

A licence authorising vehicle access, a licensed activity or a ferry service granted by the local government under this part does not provide the licence holder with any exclusive right to undertake the vehicle access, licensed activity or ferry service, the subject of the licence, on a jetty or ramp.

Part 9 Other offences

39 Executive officer liability

- (1) The executive officers of a corporation must ensure that the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the executive officers of the corporation also commits an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2)—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers of the corporation committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer of a corporation to prove that—
 - (a) if the executive officer was in a position to influence the conduct of the corporation in relation to the offence—the executive officer took all reasonable steps to ensure the corporation complied with the provision; or
 - (b) the executive officer was not in a position to influence the conduct of the corporation in relation to the offence.

40 Master of a vessel liability

- (1) The master of a vessel must ensure that the vessel complies with this local law.
- (2) If an offence is committed against a provision of this local law in respect of a vessel, the master of the vessel also commits an offence, namely, the offence of failing to ensure that the vessel complies with the provision.

Maximum penalty for subsection (2)—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the vessel was involved in an offence against a provision of this

local law is evidence that the master of the vessel committed the offence of failing to ensure that the vessel complied with the provision.

- (4) However, it is a defence for the master of a vessel to prove that—
- (a) the offence happened without the master's knowledge, connivance or consent; and
 - (b) the master took all reasonable steps to ensure the vessel complied with the provision.

41 Liability of third parties

- (1) Any person involved in a contravention of this local law commits an offence.
Maximum penalty for subsection (1)—the penalty for which any person who committed the contravention would be liable.
- (2) For the purpose of subsection (1), a person is involved in a contravention of this local law if the person—
- (a) aids, abets, counsels or procures the contravention; or
 - (b) induces, whether by threats, promises or otherwise, the contravention; or
 - (c) is in any way, directly, knowingly concerned in, or party to, the contravention; or
 - (d) conspires with others to effect the contravention; or
 - (e) knowingly benefits from, or knowingly was capable of benefiting from, the contravention.

42 Attempts to commit offences

- (1) A person who attempts to commit an offence under this local law commits an offence.
Maximum penalty for subsection (1)—the maximum penalty for committing the offence.
- (2) The provisions of the *Criminal Code Act 1899* (relevant to attempts to commit offences) apply to the attempt.

Part 10 Authorised person powers

43 General limitation on authorised person's power to give directions

- (1) An authorised person may give a direction under this part to a person only if the authorised person considers it necessary to give the direction to the person to ensure the safety of—
- (a) persons, vehicles, vessels or other things using or obstructing, or likely to use or obstruct, a jetty or ramp; or
 - (b) a jetty or ramp.
- (2) In giving the direction, the authorised person must have regard to the need to ensure the effective and efficient use of a jetty or a ramp—

- (a) by persons and vessels; and
 - (b) by vehicles where the use of vehicles is authorised under this local law.
- (3) A direction may be given to a crew member of a vessel if it is not practicable to give the direction to the master or owner of the vessel.
- (4) A direction given to a crew member of a vessel is taken to have been given to the master or owner of the vessel.
- (5) A direction under this part may be given orally or in writing.

44 Direction to master or owner about operation of a vessel

- (1) An authorised person may direct the master or owner of a vessel to navigate or otherwise operate the vessel in a specified way within a time specified in the direction.
- (2) Without limiting subsection (1), the direction may, for example—
- (a) require that the vessel is not moored at a jetty or ramp, or a particular jetty or ramp; or
 - (b) require that the vessel be moored in a specified way, or at a specified place, on a jetty or ramp; or
 - (c) require that the vessel be moved from a jetty or ramp, or to another position at a jetty or ramp; or
 - (d) limit the period of time during which a vessel may be moored at a jetty or ramp.
- (3) A person must comply with a direction issued under this section, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

45 Direction to person about a vehicle

- (1) An authorised person may direct the owner or driver of a vehicle that is using or obstructing, or may use or obstruct, a jetty or ramp to deal with the vehicle in a specified way within a time specified in the direction.
- (2) Without limiting subsection (1), the direction may, for example—
- (a) require that the vehicle be moved away from the designated access to the jetty or ramp; or
 - (b) require that the vehicle be operated on the jetty or ramp in a specified way, or at a specified place; or
 - (c) require that the vehicle be parked at a specified place on the jetty or ramp; or
 - (d) require that the vehicle be removed from the jetty or ramp or moved to another position on the jetty or ramp; or
 - (e) limit the period of time during which the vehicle may remain on the jetty or ramp.
- (3) A person must comply with a direction issued under this section, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

46 Direction to a person

- (1) An authorised person may direct a person that is using or obstructing, or may use or obstruct, a jetty or ramp to take specified action within a time specified in the direction.
- (2) Without limiting subsection (1), the direction may, for example, require the person to—
 - (a) leave the jetty or ramp; or
 - (b) cease using or obstructing the jetty or ramp in a specified way.
- (3) A person must comply with a direction issued under this section, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

47 Direction to person about an obstruction

- (1) An authorised person may direct a person who is responsible for a buoy, mooring or other thing that is obstructing, or may obstruct, navigation in the vicinity of a jetty or ramp, to deal with the buoy, mooring or other thing in a specified way within a time specified in the direction.
- (2) Without limiting subsection (1), the direction may, for example—
 - (a) require the removal of the buoy, mooring or other thing; or
 - (b) specify how, when and to where the buoy, mooring or other thing is to be moved.
- (3) A person must comply with a direction issued under this section, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) This section does not apply to a buoy, mooring or other thing approved to be in place under any Act.

48 Authorised person may carry out a direction

- (1) This section applies if a person has not complied with a direction given to the person by an authorised person under this part.
- (2) This section also applies if—
 - (a) it appears to an authorised person that there is no other person to whom a direction under this part may be given; and
 - (b) the authorised person is satisfied, on reasonable grounds, that the authorised person must act urgently without giving the direction.
- (3) An authorised person may, to the extent necessary to ensure safety, carry out the direction or proposed direction.
- (4) An authorised person may use reasonable force and assistance for the purpose of taking action under subsection (3).
- (5) Without limiting subsection (3), the authorised person may—

- (a) board a vessel and operate the vessel, including, for example, by moving or navigating the vessel; or
 - (b) enter a vehicle and drive the vehicle, or arrange for the vehicle to be removed by other means; or
 - (c) remove a buoy, mooring or other thing that is obstructing, or may obstruct, navigation; or
 - (d) remove a person from a jetty or ramp.
- (6) If, in carrying out a direction, an authorised person attaches a vessel (the *first vessel*) to another vessel, or a buoy, wharf or pile, this local law does not prevent the owner or master of the other vessel, or the person responsible for the buoy, wharf or pile from recovering from the owner or master of the first vessel, damages for injury or loss suffered because of the attachment.
- (7) Other than loss or damage wilfully or negligently caused by an authorised person or other officer, employee or agent of the local government, an action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government assisting the authorised person, for or in respect of—
- (a) loss of, or damage to, a vessel, vehicle, buoy, mooring or other thing during its moving or removal under subsection (3); or
 - (b) loss of, or damage to, a vessel, vehicle, buoy, mooring or other thing so moved or removed while it is in the custody, possession or control of the local government, or of an authorised person, or any other officer, employee or agent of the local government.

49 Recovery by local government of expenses of carrying out direction

If an authorised person, in accordance with section 48, takes any action to carry out a direction, or proposed direction, the amount properly and reasonably incurred by the local government in taking the action is recoverable as a debt from—

- (a) if the direction, or proposed direction, was in relation to a vessel—the master or owner of the vessel; or
- (b) if the direction, or proposed direction, was in relation to a vehicle—the owner of the vehicle; or
- (c) if the direction, or proposed direction, was in relation to a buoy, mooring or other thing—the person responsible for the buoy, mooring or other thing; or
- (d) if the direction, or proposed direction, was in relation to a person—the person.

Part 11 Enforcement

Division 1 Notices

50 Compliance notice

- (1) This section applies if a person engages in conduct, or has engaged in conduct, that is, or is preparatory to, a contravention of a provision of this local law or a condition of a licence.
- (2) An authorised person may give notice (a **compliance notice**), orally or in writing, to—
 - (a) the person who contravenes this local law; or
 - (b) any person involved in the contravention of this local law pursuant to section 41; or
 - (c) the operator of the relevant vehicle access, licensed activity or ferry service; or
 - (d) the relevant licence holder; or
 - (e) any combination of the persons referred to in paragraphs (a) to (d).
- (3) However, if a compliance notice is given orally, the authorised person must, as soon as practicable, confirm the compliance notice in writing by giving a written compliance notice to the person.
- (4) A compliance notice may require the person, to whom the compliance notice is given, to—
 - (a) if the contravention is of a continuing or recurrent nature—stop the contravention within a time specified in the compliance notice; or
 - (b) whether or not the contravention is of a continuing or recurrent nature—take specified action to remedy the contravention within a time specified in the compliance notice.
- (5) A person to whom a compliance notice is given must comply with the compliance notice, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

51 Ceasing operation of activity

- (1) This section applies if—
 - (a) a vehicle access is being undertaken on a jetty or ramp without a licence; or
 - (b) a licensed activity is being conducted on a jetty or ramp or on a vessel moored at a jetty or ramp without a licence; or
 - (c) a ferry service is being operated from a jetty or ramp without a licence; or
 - (d) a licence for vehicle access, licensed activity or ferry service has expired or been cancelled and the vehicle access, licensed activity or ferry service is continuing to be operated; or
 - (e) a compliance notice has not been complied with and an authorised person has not taken action under section 53; or
 - (f) because a serious risk to health, safety or the environment exists, it is, in the opinion of an authorised person, necessary to stop—
 - (i) vehicle access being undertaken on a jetty or ramp; or
 - (ii) the conduct of a licensed activity on a jetty or ramp or on a vessel moored at a jetty or ramp; or

- (iii) the operation of a ferry service from a jetty or ramp.
- (2) The local government may, by written notice (a *cease operation notice*), prohibit the undertaking of vehicle access, the conduct of the licensed activity or the operation of the ferry service on or from the jetty or ramp or on the vessel moored at the jetty or ramp for a specified period.
- (3) A cease operation notice may also require the removal of specified goods, facilities, structures or works used, installed or undertaken in association with the vehicle access, licensed activity or ferry service on or from the jetty or ramp or on the vessel moored at the jetty or ramp in the way and by the date stated in the cease operation notice.
- (4) A cease operation notice may be given to—
- (a) the operator of the vehicle access, licensed activity or ferry service; or
- (b) if—
- (i) a licence is in force for the vehicle access, licensed activity or ferry service—the holder of the licence; or
- (ii) a licence for the vehicle access, licensed activity or ferry service has expired or been cancelled—the former holder of the licence.
- (5) A person must not undertake the vehicle access, conduct the licensed activity or operate the ferry service on or from the jetty or ramp or on the vessel moored at the jetty or ramp to which a cease operation notice relates, unless the person has a reasonable excuse.

Maximum penalty for subsection (5)—50 penalty units.

- (6) If a cease operation notice requires the removal of specified goods, facilities, structures or works used, installed or undertaken in association with the vehicle access, licensed activity or ferry service on or from the jetty or ramp or on the vessel moored at the jetty or ramp, the person to whom the cease operation notice is given must comply with the requirement to remove, unless the person has a reasonable excuse.

Maximum penalty for subsection (6)—50 penalty units.

- (7) If a licence is in force for the vehicle access, licensed activity or ferry service—
- (a) the giving of a cease operation notice cancels the licence; and
- (b) the revocation or expiry of a cease operation notice does not revive the cancelled licence.
- (8) However, the jetty or ramp may be again used for the undertaking of the vehicle access, the conduct of the licensed activity or the operation of the ferry service if the local government—
- (a) revokes a cease operation notice or a cease operation notice expires; and
- (b) grants a new licence for the undertaking of the vehicle access, the conduct of the licensed activity, or the operation of the ferry service, on or from the jetty or ramp or on the vessel moored at the jetty or ramp.

Division 2 Default powers

52 Definitions for div 2

In this division *notice* means—

- (a) a cease operation notice; or
- (b) a compliance notice; or
- (c) if a suspension or cancellation notice requires the removal of specified goods, facilities, structures or works — the suspension or cancellation notice.

53 Power to secure compliance with compliance notice

- (1) If a person fails to comply with a compliance notice, an authorised person may—
 - (a) take any action reasonably necessary to comply with the compliance notice; and
 - (b) use reasonable force and assistance for the purpose of taking action under paragraph (a).
- (2) If a person is in contravention of this local law or a condition of a licence and, for a jetty or ramp or a part of a jetty or ramp, fails to comply with a compliance notice, an authorised person may remove the person from, the jetty or ramp, or the part of jetty or ramp.

54 Local government's power to have work carried out

- (1) This section does not apply to a compliance notice.
- (2) If a person fails to comply with the requirements of a notice, the local government may itself carry out the requirements of the notice.
- (3) The local government may use reasonable force and assistance for the purpose of carrying out the requirements under subsection (2).
- (4) In carrying out the requirements under subsection (2)—
 - (a) the local government may take whatever action it considers necessary to achieve the result which would have been achieved had the notice been complied with; and
 - (b) the action taken by the local government need not be the same as the action (if any) specified in the notice if the local government determines that there is a more economic or more expedient manner of achieving the required result.

55 Powers of cost recovery

- (1) This section applies if—
 - (a) an authorised person takes any action under section 53; or
 - (b) the local government carries out the requirements of a notice under section 54.
- (2) The local government may recover (together with interest) the amount properly and reasonably incurred by the local government in, as the case may be, taking the action under section 53 or carrying out the requirements of the notice under section 54 from—
 - (a) the relevant licence holder; or

- (b) the operator of the vehicle access, licensed activity or ferry service; or
- (c) the person who failed to comply with the notice.

Division 3 Other powers

56 Damage to be made good

- (1) A person must pay to the local government the cost of reinstating a jetty or ramp if—
 - (a) the person conducts an activity from the jetty or ramp or a vessel moored at the jetty or ramp; and
 - (b) the conduct causes damage to the jetty or ramp.
- (2) If the damage under subsection (1)(b) was caused by a vehicle being brought onto, or driven on, the jetty or ramp, each of the driver of the vehicle and the owner of the vehicle is jointly and severally liable for the cost of reinstating the jetty or ramp under subsection (1).
- (3) A certificate by the local government's chief executive officer as to the cost of reinstating the jetty or ramp is prima facie evidence of the amount of the cost.
- (4) The amount shown in a certificate mentioned in subsection (3) is payable on demand and recoverable as a liquidated debt.

Part 12 Miscellaneous

57 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the opening hours for a jetty or ramp; and
- (b) the permanent closure of a jetty or ramp; and
- (c) other criteria a vehicle must satisfy or comply with if the vehicle is to be brought onto a ramp; and
- (d) other conditions to be complied with if a vehicle is to be brought onto a ramp; and
- (e) declaring activities to be a prohibited activity involving the use of a vessel at a jetty or ramp; and
- (f) specified conditions of use of a jetty or ramp; and
- (g) declaring activities to be a prohibited activity; and
- (h) prohibiting smoking at a public transport waiting point; and
- (i) activities declared to be a regulated activity; and
- (j) conditions imposed on persons engaging in a regulated activity; and
- (k) declaring activities to be a licensed activity; and
- (l) other information or material required to be included in or accompany an application for a licence; and

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- (m) other criteria the local government must have regard to when considering an application for a licence; and
 - (n) other information or material required to be included in or accompany an application to renew a licence; and
 - (o) reasons why, or circumstances in which, an application for a licence must or may be refused; and
 - (p) the subject matter prescribed for licence conditions; and
 - (q) conditions that must be imposed or will ordinarily be imposed on a licence; and
 - (r) other information or material required to be included in or accompany an application to transfer a licence; and
 - (s) other grounds for which a licence may be suspended or cancelled; and
 - (t) other matters about which this local law specifically allows for the making of subordinate local laws.

Schedule Dictionary

section 5

activities licence see section 23(2).

amendment notice see section 33(5)(a).

approved form means a form approved by resolution of the local government for the matter in respect of which the term is used.

approved vehicle licence see section 11.

authorised person means a person authorised by the local government to exercise the powers of an authorised person under this local law.

barge loading ramp—

- (a) means a ramp or other device or structure which is—
 - (i) owned, held in trust or otherwise controlled by the local government; and
 - (ii) used or capable of use, or designed or intended for use, for the purpose of—
 - (A) loading or unloading goods; or
 - (B) loading or unloading vehicles between a vessel and the barge loading ramp; and
- (b) includes part of a barge loading ramp.

boat ramp—

- (a) means a ramp or other device or structure which is—
 - (i) owned, held in trust or otherwise controlled by the local government; and
 - (ii) used or capable of use, or designed or intended for use, for the purpose of launching and retrieving trailerable vessels; and
- (b) includes a part of a boat ramp.

cease operation notice see section 51(2).

compliance notice see section 50(2).

designated access (for a jetty or ramp) means a gateway, opening, entrance or other means of ingress to, or egress from, the jetty or ramp.

effective control has the meaning given in *Local Law No. 2 (Animal Management) 2007*, section 4.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

essential services vehicle means a vehicle that is in the care or control of any officer of—

- (a) the Queensland Ambulance Service; or
- (b) the Queensland Fire and Rescue Service; or

- (c) a retailer under the *Gas Supply Act 2003*; or
- (d) an electricity entity under the *Electricity Act 1994*; or
- (e) the Queensland Police Service; or
- (f) the State Emergency Service; or
- (g) Road Transport Construction Services (Department of Transport and Main Roads); or
- (h) a carrier or service provider licensed under the *Telecommunications Act 1997 (Commonwealth)*; or
- (i) the local government; or
- (j) any other department or body (whether or not incorporated) that has a function or power conferred on it under an Act; or
- (k) another entity specified by subordinate local law.

ferry has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

ferry licence see section 24.

ferry service has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

first vessel see section 48(6).

goods includes any wares, merchandise, chattels, money, stone, timber, metal, fluid, and any other article, substance, or material whatsoever, and also includes animals.

gross mass—

- (a) (for a vehicle) means the unloaded mass of the vehicle; and
- (b) (for the load of a vehicle) means the mass of the load, if any, in the vehicle.

Jetty and Ramp Register see section 7(2).

jetty includes—

- (a) any jetty, landing place, launching ramp, pier, platform, pontoon, quay, stage, wharf or like premises which is—
 - (i) owned, held in trust or otherwise controlled by the local government; and
 - (ii) used or capable of use or designed or intended for use, for the purpose of taking goods or persons to, or removal of goods or persons from, a vessel; and
- (b) where necessary, all buildings, railways, tramways and other works on the jetty and the appurtenances of the jetty, and the approaches to the jetty; and
- (c) a part of a jetty.

landing has the meaning given in the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*.

licence means—

- (a) a licence granted under this local law; but

- (b) is limited to—
 - (i) an activities licence; or
 - (ii) an approved vehicle licence; or
 - (iii) a ferry licence.

licensed activity see section 23(1).

master in relation to a vessel—

- (a) means the person having command or charge of the vessel; but
- (b) excludes a pilot who has the conduct of the vessel, but does not belong to the vessel.

moor (a vessel) includes anchor, berth, fasten, moor or any other activity that—

- (a) secures the vessel to a jetty or ramp; or
- (b) allows the vessel to lie alongside, or remain attached to, a jetty or ramp.

official sign means any sign the local government is authorised to install under this local law.

opening hours see section 8(1).

operate—

- (a) a ferry service means to make a service available for the public or private carriage of passengers, vehicles or goods by ferry on or over water; and
- (b) a vehicle, on a jetty or ramp—
 - (i) means having command or charge of the vehicle on the jetty or ramp; and
 - (ii) the owner of a vehicle operates the vehicle if the owner has command or charge of the vehicle or causes or allows another person to have command or charge of the vehicle; and
- (c) a vessel—
 - (i) means having command or charge of the vessel; and
 - (ii) the owner of a vessel operates the vessel if the owner has command or charge of the vessel or causes or allows another person to have command or charge of the vessel.

owner—

- (a) of a vessel—
 - (i) means the person who owns the vessel, whether or not the person is registered as the vessel's owner; but
 - (ii) includes a person who—
 - (A) exercises, or purports to exercise, the powers of the owner of the vessel; and
 - (B) operates the vessel, or causes or allows the vessel to be operated by someone else; and

Examples—

1. If a vessel's owner lives outside Queensland, and the owner

appoints an agent in Queensland to exercise the owner's powers and operate the vessel, the agent is an owner of the vessel.

2. If, under a charter, a person has exclusive possession of a vessel and may operate the vessel, the person is an owner of the vessel.

3. If a bank becomes the mortgagee in possession of a vessel and operates it, the bank is an owner of the vessel.

- (b) in relation to a vehicle, includes a person—
- (i) who is the owner, joint owner or part owner of the vehicle; and
 - (ii) who is a bailee to whom the vehicle is bailed; and
 - (iii) who has the use or control of the vehicle under a hiring agreement, hire purchase agreement or leasing arrangement; and
 - (iv) in whose name the vehicle is registered; and
 - (v) who is apparently in charge of the vehicle at the relevant time.

public marine facility has the meaning given in the *Transport Infrastructure Act 1994*.

prescribed vessel charge see section 17(1)(a).

prescribed fee means a fee or charge determined by the local government for the matter in respect of which the term is used.

proposed amendment notice see section 33(2).

proposed suspension or cancellation notice see section 34(2).

public transport waiting point has the meaning given in the *Tobacco and Other Smoking Products Act 1998*.

ramp—

- (a) includes a barge loading ramp and a boat ramp; and
- (b) includes part of a ramp.

refusal notice see section 27(4)(b).

suspension or cancellation notice see section 34(5).

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

vehicle access (for a jetty or ramp) means to being a vehicle onto, or drive or use a vehicle on, the jetty or ramp.

vessel has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

vessel's characteristics (for section 17) see section 17(4).

Certification

This and the preceding 30 pages bearing my initials is a certified copy of a consolidated version of *Redland City Council Local Law No. 14 (Jetties, Ramps and Ferries) 2011* adopted in accordance with the provisions of the *Local Government Act 1993* by Redland City Council by resolution dated 30 November 2011.

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Chief Executive Officer

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Dated