

Queensland



Recreation Areas Management Act 1988

RECREATION AREAS MANAGEMENT BY-LAW 1991

**Reprinted as in force on 4 January 2002
(includes commenced amendments up to SL No. 301 of 2001)**

Reprint No. 1A revised edition

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This by-law is reprinted as at 4 January 2002. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

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

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

Also see endnotes for information about—

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

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

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RECREATION AREAS MANAGEMENT BY-LAW 1991

[as amended by all amendments that commenced on or before 4 January 2002]

1 Short title

This by-law may be cited as the *Recreation Areas Management By-law 1991*.

2 Application

This by-law applies to the following recreation areas—

- (a) the Fraser Island recreation area;
- (b) the Inskip Peninsula recreation area;
- (c) the Moreton Island recreation area.¹

3 Definitions

In this by-law—

“camp” includes—

- (a) stay overnight; and
- (b) pitch, place or erect a camping structure to camp; and
- (c) place other camping equipment in position.

“camping structure” includes a vehicle or vessel that is being used, or can be used, for overnight shelter or accommodation.

“guide dog” see *Guide Dogs Act 1972*, section 3.

“notice” includes a pictorial sign or symbol erected by the board to indicate—

- (a) the presence of facilities; or

¹ A copy of the plans of these areas may be inspected, free of charge, at the department's office at 160 Ann Street, Brisbane.

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- (b) restrictions or prohibitions under the Act on persons in a recreation area.

“transport law” means—

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a corresponding law of another State.

4 Access

(1) A person must not enter or traverse a recreation area in a vehicle except under the authority of a service permit issued under the *Recreation Areas Management Regulation 1989*, or with the written approval of the board.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to—

- (a) the Inskip Peninsula recreation area; or
- (b) a commercial tour operator, or anyone else travelling under a commercial tour operator’s permit; or
- (c) a person travelling in a service permit holder’s vehicle while it is in a recreation area under the permit.

5 Camping

(1) A person must not camp in a recreation area unless the person is camping in the area under a permit or a written approval given by the board.

(2) A person must not camp in any part of a recreation area in which camping is prohibited by notices erected by the board.

(3) A person must not—

- (a) in an area which is not a developed camping area, camp within 50 m of any lake or watercourse; or
- (b) without the approval in writing of the board, cordon off any area of land, or in any other manner claim that the person has the exclusive right to the use of land or any barbecue, table or other facility on the land; or

- (c) bury or deposit any faecal matter within 50 m of any lake or watercourse or any occupied campsite or any site designated by a notice erected by the board as a campsite.

Maximum penalty—20 penalty units.

6 Fire bans

(1) The board may, by notice displayed in a recreation area, prohibit or restrict, in the manner specified in the notice, the lighting of fires in the whole or any part of a recreation area for the time the board thinks fit.

(2) A person who lights, maintains or uses a fire while a prohibition or restriction notified under subsection (1) is in force commits an offence against this by-law.

Maximum penalty—20 penalty units.

7 Lighting of fires

(1) A person must not, at any time, light a fire on a beach surrounding any lake in a recreation area.

Maximum penalty—20 penalty units.

(2) A person must not light, maintain or use a fire in a recreation area except—

- (a) in the case of a developed camping area, in a properly constructed barbecue or fireplace provided by the board for that purpose; or
- (b) in any other case, in a site which is not within 2 m of any flammable material.

Maximum penalty—20 penalty units.

(3) A person who has lit a fire in a recreation area must extinguish the fire before departing from the place where the fire has been lit.

Maximum penalty—20 penalty units.

(4) A person must not, in a recreation area, throw, drop, place or leave any lighted match, lighted pipe, lighted cigar, tobacco or cigarette, hot ashes, or any burning or smouldering substance whatsoever, within 20 m of any flammable material.

Maximum penalty—20 penalty units.

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(5) If an authorised officer has reason to believe that a fire in a recreation area is, or may become, a hazard to the area, a person or property in the area, the authorised officer may—

- (a) direct the person apparently in charge of the fire—
 - (i) to extinguish the fire; or
 - (ii) to reduce the intensity of the fire to an intensity acceptable to the authorised officer; or
- (b) extinguish the fire.

(6) If an authorised officer considers that the use of a stove, barbecue or other appliance fuelled by liquid or gaseous fuel constitutes a hazard to the recreation area, persons in a recreation area or the property of those persons, the authorised officer may direct the person using the stove, barbecue or appliance, as the case may be, to forthwith cease using the stove, barbecue or appliance.

8 Water

A person must not, in a recreation area—

- (a) take water from any lake, watercourse or natural water storage unless the water is taken for personal use within the area; or
- (b) dam or divert a watercourse; or
- (c) foul or pollute a lake, watercourse or natural water storage; or
- (d) interfere with, pollute or damage any water supply or water storage facility; or
- (e) wilfully allow, or cause another person to allow, water from any tap connected to a water supply or water storage facility to run to waste; or
- (f) wash any vehicle, clothing, cooking utensil or other article in a lake, watercourse or natural water storage, except, in the case of a watercourse, at a place in the watercourse where the watercourse crosses a coastal beach; or
- (g) wash or bathe any animal in the possession of the person, or allow any such animal to be, in a lake, watercourse or other natural water storage; or

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- (h) use or deposit any oil, grease, or any other deleterious or dangerous substance, whether of the same or of a different kind, in a lake, watercourse or natural water storage; or
- (i) use or deposit any soap, detergent or shampoo in a lake, watercourse or natural water storage, except, in the case of a watercourse, at a place in the watercourse where the watercourse crosses a coastal beach.

Maximum penalty—20 penalty units.

9 Firearms, explosives, traps etc.

(1) A person must not possess or use any of the following in a recreation area without the board's written approval—

- (a) a bow, catapult or weapon;
- (b) an explosive device;
- (c) a trap, snare or net.

Maximum penalty—20 penalty units.

(2) A person must not carry a loaded spear gun or discharge a spear gun, unless the person is in tidal waters where spear fishing is allowed under an Act.²

Maximum penalty—20 penalty units.³

10 Litter

(1) A person must not, in a recreation area—

- (a) deposit, drop, leave or throw any litter; or
- (b) cause or permit any litter to be deposited, dropped, left or thrown;

in a place other than a receptacle provided by the board for that purpose.

2 For where spear fishing is not allowed, see the *Fisheries Regulation 1995*, schedule 3, part 5.

3 If a recreation area includes an area that is a protected area under the *Nature Conservation Act 1992*, the use of the things mentioned in section 9 is subject to that Act.

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(2) A person must not deposit in a receptacle provided by the board any litter which is not litter arising from the person's use and enjoyment of a recreation area.

(3) A person must not, in a recreation area—

- (a) deposit any noxious, offensive or deleterious substance; or
- (b) deposit or dispose of any offal, carcass or skeleton; or
- (c) break any glass or cause any glass to be broken.

Maximum penalty—20 penalty units.

(4) Subsection (3)(b) does not apply to the offal, carcass or skeleton of a fish or crab (“**waste**”) taken in a recreation area, or a place adjacent to a recreation area, if a person deposits or disposes of the waste—

- (a) in a receptacle provided by the board specifically for depositing or disposing of the waste; or
- (b) by burial below the high-water mark and at least 50 cm below the surface of the land; or
- (c) otherwise in accordance with a notice erected by the board.

(5) In this section—

“**high-water mark**” means the ordinary high-water mark at spring tides.

11 Behaviour

(1) A person must not—

- (a) act in a manner or do anything—
 - (i) which unreasonably disturbs, offends or obstructs, or is likely to disturb, offend or obstruct, any other person in a recreation area; or
 - (ii) which interferes, or is likely to interfere, with the safety or wellbeing of that person or any other person in a recreation area; or
- (c) solicit donations, contributions or payments of any kind in a recreation area without the written approval of the board; or
- (d) use or cause to be used a radio, tape recorder, cassette player, amplifier or other similar device in a manner which causes or is

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likely to cause undue annoyance or distress to any other person in a recreation area; or

- (e) display, distribute, drop, scatter or throw down any handbill, ticket, notice or any other literature of any kind in a recreation area without the written approval of the board; or
- (f) enter any building or structure which has been set apart by the board for the use of persons of the opposite sex to that person; or
- (g) use or cause to be used in a recreation area a generator, compressor or other similar device without the written approval of the board.

Maximum penalty—20 penalty units.

(2) Subsection (1)(g) does not apply to the Inskip Peninsula recreation area.

12 Movement of objects

A person must not throw, roll or discharge an object in a recreation area so as to cause—

- (a) danger or fear to another person; or
- (b) damage to another person or to property.

Maximum penalty—20 penalty units.

13 Limited access areas

(1) The board may, by notices displayed in a recreation area, limit or prohibit access to any part of a recreation area if, in the opinion of the board, access to that part of a recreation area must be limited or prohibited—

- (a) in the interests of public safety; or
- (b) to preserve or protect that part of a recreation area.

(2) A person must comply with a notice erected under subsection (1).

Maximum penalty—20 penalty units.

14 Plants

A person must not take any plant into a recreation area except—

- (a) with the written approval of the board; or
- (b) for the purpose of consumption of that plant as food.

Maximum penalty—20 penalty units.

14A Notices about animals

The board may, by notice displayed in a recreation area—

- (a) prohibit the feeding or disturbance of animals stated in the notice in the recreation area; or
- (b) regulate the keeping of food in the area.

14B Feeding animals

(1) A person in a recreation area must not, without the written approval of the board, feed an animal—

- (a) that is dangerous, venomous or capable of injuring a person; or
- (b) if a notice prohibits the feeding of the animal.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to—

- (a) a guide dog; or
- (b) another domesticated dog in the Inskip Peninsula recreation area.

(3) In this section—

“**feed**”, in relation to an animal, includes—

- (a) use food to tease or lure the animal; and
- (b) attempt to feed the animal.

14C Disturbing animals

(1) A person in a recreation area must not, without the written approval of the board, disturb an animal—

- (a) that is dangerous, venomous or capable of injuring a person; or
- (b) if a notice prohibits the disturbance of the animal.

Maximum penalty—40 penalty units.

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(2) Subsection (1) does not apply to a person who disturbs an animal—

- (a) under a permit or other authority or with the board’s written approval; or
- (b) in the course of a lawful activity that was not directed towards the disturbance and the disturbance could not have been reasonably avoided.

(3) In this section—

“**disturb**”, in relation to an animal, means approach, lure, pursue, tease or attempt to disturb the animal.

14D Keeping food safe from animals

(1) A person in a recreation area must ensure food in the person’s possession or under the person’s control is kept—

- (a) in a way that prevents an animal gaining access to the food; or
- (b) if a notice states the way in which the food must be kept—in the stated way.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to food that—

- (a) is being consumed by a person or prepared for human consumption; or
- (b) is lawfully deposited or disposed of under this by-law.

(3) In this section—

“**animal**” does not include—

- (a) a guide dog; or
- (b) another domesticated dog in the Inskip Peninsula recreation area.

15 Restriction on animals in recreation area

(1) A person must not, without the written approval of the board—

- (a) take a live animal into a recreation area; or
- (b) have a live animal under the person’s control in a recreation area.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to—

- (a) a guide dog; or
- (b) another domesticated dog in the Inskip Peninsula recreation area; or
- (c) a fish, sand crab or mud crab lawfully taken in a recreation area or a place adjacent to the area; or
- (d) an invertebrate animal lawfully taken in a recreation area or a place adjacent to the area for use as bait for fishing.

16 Public entertainment, etc.

A person must not organise, hold or cause to be held any public entertainment, fete or competitive event in a recreation area without the written approval of the board.

Maximum penalty—20 penalty units.

17 Vehicles

(1) A person must not drive or ride a motor vehicle in a recreation area unless—

- (a) the person is licensed to drive or ride the vehicle under a transport law; and
- (b) the vehicle is registered under a transport law for use on a public road.

(2) A person must not, in a recreation area—

- (a) carry more than 1 passenger on a motorcycle; or
- (b) be on a motorcycle while it is in motion unless the person—
 - (i) is seated astride the motorcycle and facing in a forward direction; and
 - (ii) is wearing a properly fastened safety helmet; or
- (c) cause one or both wheels of a motorcycle to leave the ground while the motorcycle is in motion.

(3) A person must not, while a vehicle in a recreation area is in motion—

- (a) be on the outside of a motor vehicle (other than a motorcycle); or

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- (b) stand on the tray of any motor truck or motor utility truck; or
- (c) ride or travel in or upon any vehicle (other than a motorcycle) in such a position that any part of the person's body—
 - (i) is in contact with any external step or footboard of the vehicle; or
 - (ii) extends or protrudes beyond or through any external door, window or other opening of the vehicle; or
 - (iii) extends or protrudes beyond or hangs over any side or the front or rear or any external part of the vehicle.

(4) A person must not drive or ride or attempt to drive or ride a motor vehicle in a recreation area on any surface other than a compacted beach surface or on formed roads or tracks.

(5) A person must not park or stand a motor vehicle in a recreation area in a manner or in a place which will or is likely—

- (a) to obstruct, hinder or prevent the free passage of any person or vehicle; or
- (b) to cause damage to or interfere with a recreation area.

(6) A person must not drive or ride in a vehicle fitted with seat belts or child restraints unless the person is wearing a properly adjusted and securely fastened seat belt or restraint while the vehicle is in motion.

Maximum penalty—20 penalty units.

18 Vessels

A person must not use a motor powered vessel on any fresh water lake or watercourse in a recreation area without the written approval of the board.

Maximum penalty—20 penalty units.

19 Aircraft, hovercraft, etc.

(1) A person must not use or operate a hot air balloon, hang-glider, paraglider, ultralight aircraft or hovercraft in a recreation area without the written approval of the board.

(2) A person must not land a fixed-wing aircraft or helicopter in a recreation area without the approval in writing of the board.

Maximum penalty—20 penalty units.

20 Directions of authorised officer

(1) An authorised officer may give directions to the driver or rider of any motor vehicle or vessel in a recreation area.

(2) An authorised officer may give reasonable directions to any person in a recreation area for the purpose of securing that or any other person's safety, the safety of that or any other person's property, or the recreational, environmental or cultural values of the area.

(3) A direction given under subsection (1) may be given orally or in writing or in any other manner which sufficiently conveys the officer's intentions and may relate to the use, operation, movement or parking of vehicles, the production of a driver's licence, or the use, operation, movement or mooring of vessels.

(4) A person must comply with a direction given to the person, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

21 Notices

(1) A person other than the board must not erect, place or display any notice.

Maximum penalty—20 penalty units.

(2) An authorised officer may remove a notice erected, placed or displayed in contravention of subsection (1) and may dispose of that notice in such manner as the board determines.

(3) This section does not apply to an official traffic sign within the meaning of the *Transport Operations (Road Use Management) Act 1995*.

22 Prescribed infringements

(1) Offences against sections 4 to 21 are prescribed infringements for section 28 of the Act, definition “prescribed infringement”.⁴

(2) The penalty payable under an infringement notice for a prescribed infringement for each of the following provisions of this by-law is the penalty set out opposite the provision—

- (a) section 7(2)(a) and (b)—\$60;
- (b) section 10(3)(c)—\$70;
- (c) sections 4(1), 5(1) to (3), 6(2), 7(1), (3) and (4), 8, 9(1) and (2), 10(1) to (3)(a), 11(1), 12, 13(2), 14, 15(1), 16, 17(1) to (6), 18, 19(1) and (2), 20(4) and 21(1)—\$50;
- (d) section 10(3)(b), 14B(1), 14C(1) and 14D(1)—\$225.

24 Defence in certain cases

It is a defence to a prosecution for an offence against section 5(2) or (3)(c), 6, 13, 14B(1)(b), 14C(1)(b) or 14D(1)(b), that a sign or notice erected by the board for the purpose of this by-law was, at the time of the alleged offence, illegible or not conspicuously displayed.

4 Section 28 (Interpretation) of the Act

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 4 January 2002. Future amendments of the Recreation Areas Management By-law 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1996 SL No. 311	8 November 1996	6 December 1996
1A rv	to 2001 SL No. 301	21 December 2001	4 January 2002

5 List of legislation

Recreation Areas Management By-law 1991 (prev Fraser Island Recreation Area By-law 1991)

made by the Queensland Recreation Areas Management Board on 6 March 1991

pubd gaz 9 March 1991 pp 1154–61

commenced on date of publication

exp 31 August 2004 (see SIA s 56A(1)(b) and SIR s 15 sch 15)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Recreation Areas Management (Fraser and Moreton Islands) Amendment By-law (No. 1) 1996 SL No. 311

notfd gaz 8 November 1996 pp 959–61

commenced on date of notification

Recreation Areas Management Amendment By-law (No. 1) 2001 SL No. 301

notfd gaz 21 December 2001 pp 1482–8

commenced on date of notification

6 List of annotations

Short title

s 1 sub 1996 SL No. 311 s 3

Application

s 2 sub 1996 SL No. 311 s 3

Definitions

- s 3** sub 1996 SL No. 311 s 3
 def “**guide dog**” ins 2001 SL No. 301 s 3(1)
 def “**transport law**” amd 2001 SL No. 301 s 3(2)–(3)

Access

- s 4** amd 1996 SL No. 311 s 4

Camping

- s 5** amd 1996 SL No. 311 s 5

Fire bans

- s 6** amd 1996 SL No. 311 s 6

Lighting of fires

- s 7** amd 1996 SL No. 311 s 7

Water

- s 8** amd 1996 SL No. 311 s 8

Firearms, explosives, traps etc.

- s 9** sub 1996 SL No. 311 s 9

Litter

- s 10** amd 1996 SL No. 311 s 10; 2001 SL No. 301 s 4

Behaviour

- s 11** amd 1996 SL No. 311 s 11

Movement of objects

- s 12** sub 1996 SL No. 311 s 12

Limited access areas

- s 13** amd 1996 SL No. 311 s 13

Plants

- s 14** amd 1996 SL No. 311 s 14

Notices about animals

- s 14A** ins 2001 SL No. 301 s 5

Feeding animals

- s 14B** ins 2001 SL No. 301 s 5

Disturbing animals

- s 14C** ins 2001 SL No. 301 s 5

Keeping food safe from animals

- s 14D** ins 2001 SL No. 301 s 5

Restriction on animals in recreation area

- s 15** amd 1996 SL No. 311 s 15
 sub 2001 SL No. 301 s 6

Public entertainment, etc.

- s 16** amd 1996 SL No. 311 s 16

Vehicles

s 17 amd 1996 SL No. 311 s 17

Vessels

s 18 amd 1996 SL No. 311 s 18

Aircraft, hovercraft, etc.

s 19 amd 1996 SL No. 311 s 19

Directions of authorised officer

s 20 amd 1996 SL No. 311 s 20

Notices

s 21 amd 1996 SL No. 311 s 21
 amd 2001 SL No. 301 s 7

Prescribed infringements

s 22 sub 1996 SL No. 311 s 22
 amd 2001 SL No. 301 s 8

General offence provision

s 23 om 1996 SL No. 311 s 23

Defence in certain cases

s 24 amd 2001 SL No. 301 s 9