

South Australia

Harbors and Navigation (Restrictions on Aquatic Activities—Glenelg) Variation Regulations 2017

under the *Harbors and Navigation Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Harbors and Navigation (Restrictions on Aquatic Activities—Glenelg) Variation Regulations 2017*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Harbors and Navigation Regulations 2009*

4—Insertion of regulation 12A

After regulation 12 insert:

12A—Special rule in relation to swimming etc near Glenelg breakwaters

- (1) A person must not, without lawful excuse, swim, bathe or dive (including scuba dive) in the waters of Gulf St. Vincent that are within 40 metres of any part of—
 - (a) the northern breakwater or southern breakwater associated with the mouth of the Patawalonga Creek at Glenelg; or

- (b) the breakwater located approximately 165 metres south-west of the southern breakwater associated with the mouth of the Patawalonga Creek at Glenelg.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) It is a defence to a charge of an offence against subregulation (1) for the defendant to prove that—
 - (a) the defendant was taking part in a rescue operation or otherwise acting in an emergency; or
 - (b) the defendant was taking part in a surf life saving activity conducted by a surf life saving club.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2017

No 352 of 2017

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