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## REEF BEACH BATHING BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to restore community standards of dress and conduct at Reef Beach—in particular, to end the practice of nude bathing there.

The Bill provides for the application at Reef Beach of Ordinance No. 52 made under the Local Government Act 1919, and clarifies the application, as far as the beach is concerned, of other laws in force for securing the observation of decency in public, with particular reference to the Summary Offences Act 1988 and the common law.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act (other than preliminary provisions) on 1 November 1992.

Clause 3 describes the location of Reef Beach.

Clause 4 requires the Council of the Municipality of Manly to post signs at Reef Beach indicating that nude bathing will not be allowed on the beach on or after 1 November 1992.

Clause 5 states that the Summary Offences Act 1988 applies at Reef Beach in the same way as to other public places.

Clause 6 states that Ordinance No. 52 made under the Local Government Act 1919 applies at Reef Beach in the same way as to other public bathing reserves in the Municipality of Manly.

Clause 7 provides that, in a prosecution for an offence under any Act, regulation or other law, the history of the beach and customs that have been observed there constitute no defence or excuse.

*Reef Beach Bathing 1992*

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**Clause 8 provides that the status of the beach as part of lands to which the National Parks and Wildlife Act 1974 applies does not affect the operation of other laws, and that police and law enforcement officers may enter on to the beach for law enforcement purposes.**

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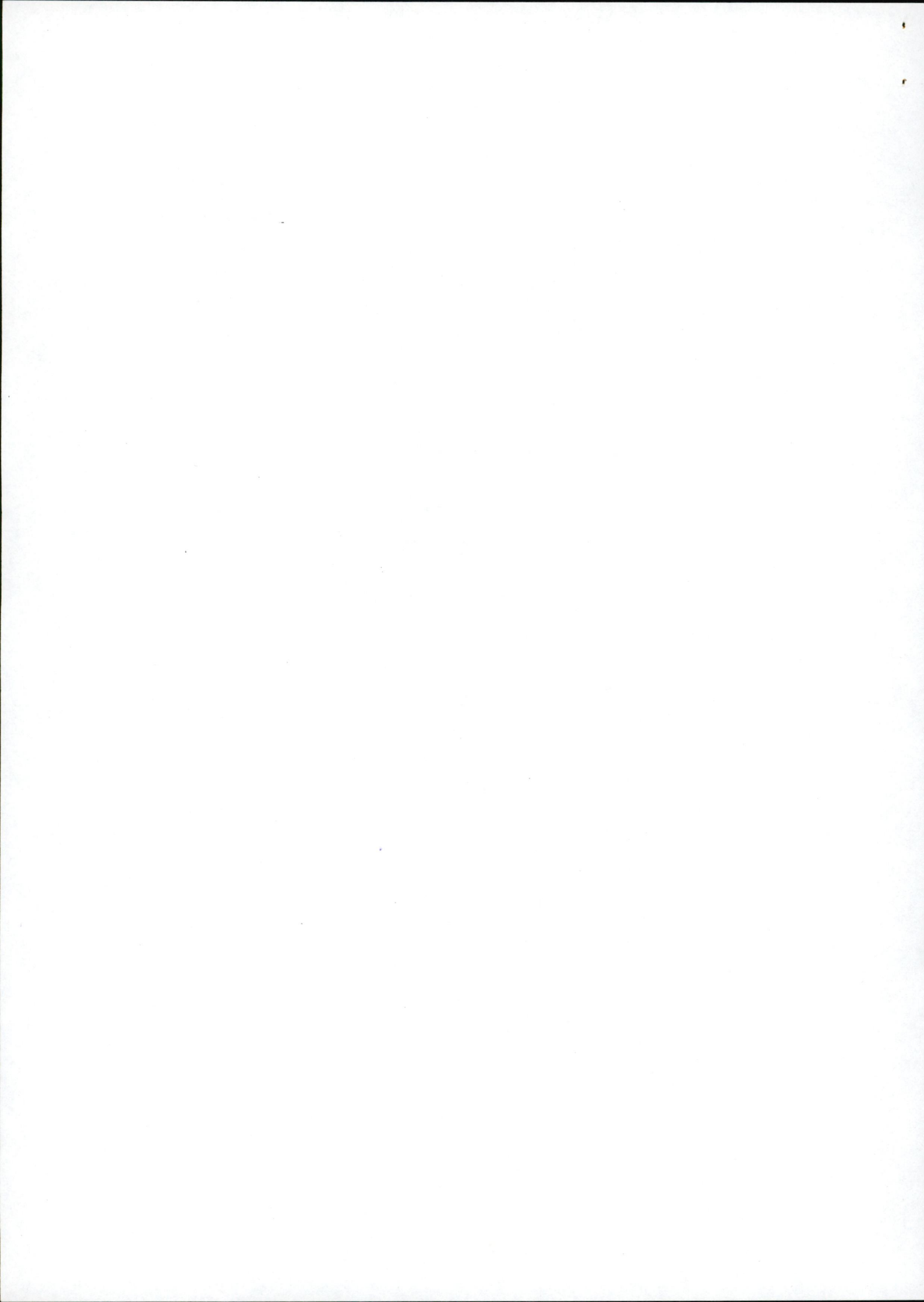
**REEF BEACH BATHING BILL 1992**

NEW SOUTH WALES



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**REEF BEACH BATHING BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR.**

An Act to secure the observation of decency and ordinary standards of conduct at Reef Beach.

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*Reef Beach Bathing 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Reef Beach Bathing Act 1992.

**Commencement**

- 5 2. This Act commences on 1 November 1992, except for sections 1-4, which commence on the date of assent.

**Reef Beach**

- 10 3. For the purposes of this Act, Reef Beach is that part of the foreshore of the Gledhill Park Reserve at North Harbour known as Reef Beach, and includes those lands of the reserve, and that part of the coastal waters of the State (within the meaning of Part 10 of the Interpretation Act 1987), in proximity to the beach.

**Signs to be posted**

- 15 4. (1) It is the duty of the Council of the Municipality of Manly to post conspicuous signs at points of entry to Reef Beach, indicating that, on and after 1 November 1992:

- (a) nude bathing will not be allowed on the beach; and  
(b) the same laws will apply, concerning the attire of bathers resorting to the beach, as apply at any other beach in the Municipality; and  
20 (c) persons at the beach offending against any such laws are liable to be prosecuted.

(2) The signs must be posted as soon as practicable after the commencement of this section and must be maintained by the Council until at least 31 May 1993.

- 25 (3) A person who removes, damages or defaces any sign posted by or with the consent of the Council for the purposes of this section is guilty of an offence and is liable on conviction to a penalty not exceeding \$500.

(4) Proceedings for an offence under subsection (3) may be taken in a Local Court constituted by a Magistrate sitting alone.

30 **Application of Summary Offences Act 1988 No. 25**

5. (1) The Summary Offences Act 1988 applies at Reef Beach and its adjacent waters in the same way as to any other public place.

(2) To avoid doubt it is declared that, for the purposes of that Act, the beach and its adjacent waters constitute a public place.

*Reef Beach Bathing 1992*

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**Application of bathing ordinance**

6. (1) Ordinance No. 52 made under the Local Government Act 1919 applies at Reef Beach in the same way as to any public bathing reserve within the Municipality of Manly.

(2) To avoid doubt it is declared that, for the purposes of that ordinance, Reef Beach and its adjacent waters are taken to be exposed to the public view. 5

**Application of laws**

7. (1) Custom adopted in recent years at Reef Beach does not, nor does any standard of behaviour allegedly prevailing at the beach at the material time (being a standard of behaviour distinguishable from the standard prevailing at beaches in general), constitute a defence or excuse in a prosecution: 10

(a) for an offence under the Summary Offences Act 1988, Ordinance No. 52 made under the Local Government Act 1919, or any other Act, regulation, ordinance or other law; or 15

(b) for an indictable offence at common law arising out of an act constituting an outrage of public decency.

(2) In particular, no such custom or standard:

(a) constitutes a reasonable excuse for the purposes of section 4 (2) of the Summary Offences Act 1988; or 20

(b) constitutes a defence in proceedings for an offence under section 5 of that Act; or

(c) constitutes any lawful authority for the purposes of section 12 of that Act. 25

**Status of Reef Beach as public reserve**

8. (1) This Act has effect despite any provision of the National Parks and Wildlife Act 1974 or any law relating to public reserves.

(2) Nothing in the National Parks and Wildlife Act 1974 or any other law prevents a person who is an inspector for the purposes of Ordinance No. 52 made under the Local Government Act 1919, in so far as that ordinance applies in the Municipality of Manly, or any police officer, from exercising or performing at Reef Beach any of the powers and functions vested in the person or officer by law or from entering on to and remaining on any part of Reef Beach for that purpose. 30  
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(3) Except to the extent necessary to give effect to this Act, nothing in this Act limits or affects any power vested in the Director of National Parks and Wildlife or any inspector or person appointed or employed for the purposes of the National Parks and Wildlife Act 1974 or any trustee  
5 or other person.

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