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New South Wales

# Local Government Amendment (Nude Bathing) Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

At present under section 633 of the *Local Government Act 1993*, a person who is in public view in the nude in a place that may be used for public bathing is guilty of an offence under that section unless the local council for the area has erected a notice at the place allowing the use of the place for the purposes of nude bathing.

The object of this Bill is to amend that section so as to specifically allow five designated beaches (and the sea adjacent to them) to be used for the purposes of nude bathing. The beaches are as follows:

- Lady Bay (also known as Lady Jane) Beach,
- Cobblers Beach,
- Obelisk Beach,
- Werrong Beach,
- Samurai Beach.

The land area of each of these designated beaches is situated within a national park.

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Local Government Amendment (Nude Bathing) Bill 1996

Explanatory note

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As a result of this Bill, each of the designated beaches will be able to be lawfully used for the purposes of nude bathing without any need for the relevant local council to erect a notice allowing nude bathing at the beach concerned. The Bill also provides that a local council notice under section 633 cannot prohibit the use of a designated beach for the purposes of nude bathing, and that any such existing notice has no effect.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

**Schedule 1** amends section 633 of the *Local Government Act 1993* in the manner described in the overview above.

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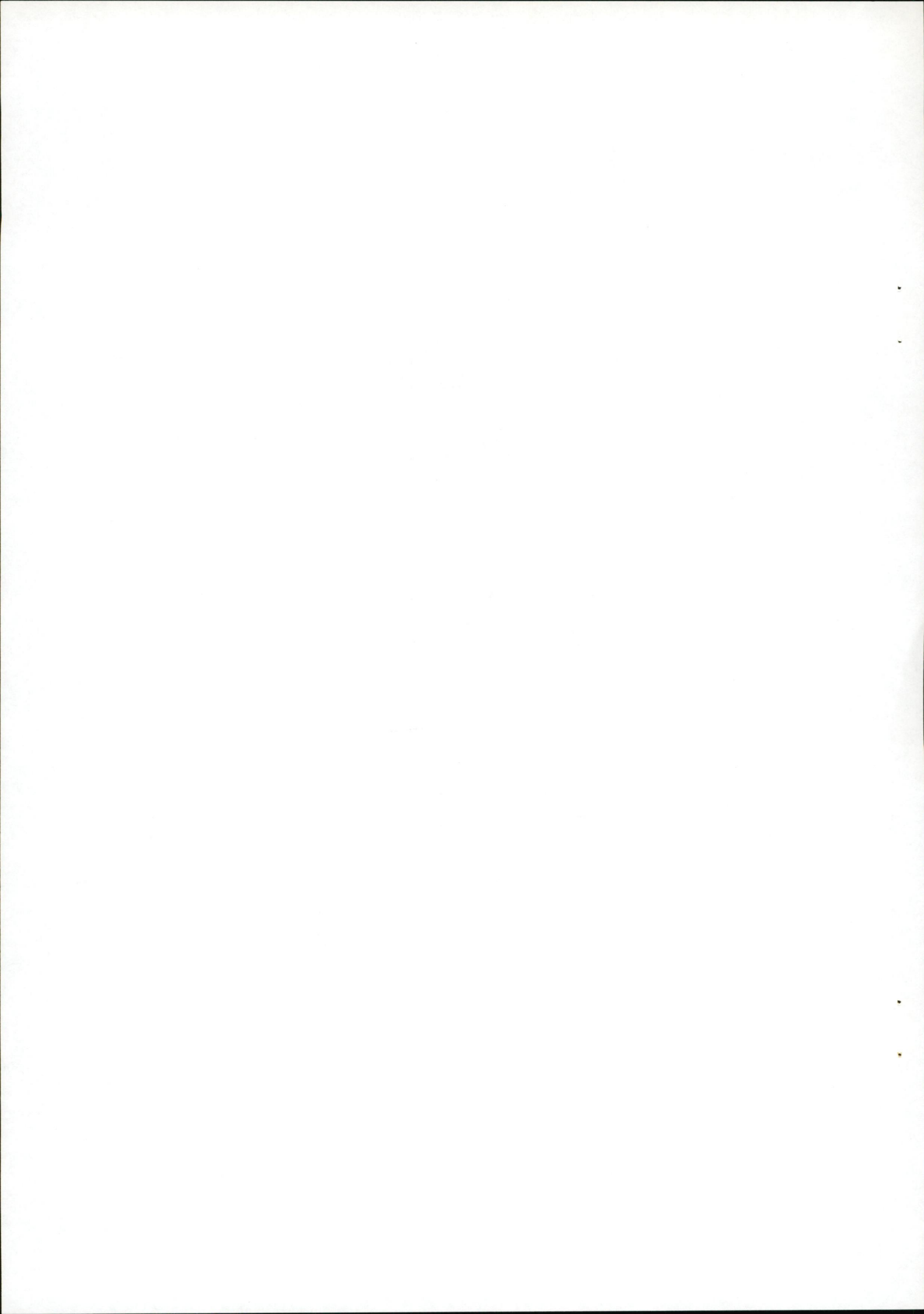
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New South Wales

## **Local Government Amendment (Nude Bathing) Bill 1996**

No. , 1996

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### **A Bill for**

An Act to amend the *Local Government Act 1993* to allow nude bathing on certain beaches.

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

**1 Name of Act**

This Act is the *Local Government Amendment (Nude Bathing) Act 1996*.

**2 Commencement**

5

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.



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## Schedule 1 Amendments

(Section 3)

**[1] Section 633 Bathing (including nude bathing) and other water-based recreational activities**

Insert “(other than a designated beach)” after “any place” in section 633 (2). 5

**[2] Section 633 (4A) and (4B)**

Insert after section 633 (4):

(4A) However, a notice referred to in this section cannot prohibit: 10

(a) the use of a designated beach for the purposes of nude bathing, or

(b) a person from otherwise being in the nude at a designated beach.

(4B) Accordingly, any such notice (whether erected before or after the commencement of the *Local Government Amendment (Nude Bathing) Act 1996*) that purports to prohibit the use of a designated beach for the purposes of nude bathing, or that purports to prohibit a person from otherwise being in the nude at a designated beach, has no effect on or after that commencement. 15  
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**[3] Section 633 (6)**

Insert after section 633 (5):

(6) In this section:

Local Government Amendment (Nude Bathing) Bill 1996

Schedule 1 Amendments

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*designated beach* means any of the following beaches, or any part of the following beaches (including the sea adjacent to any such beach):

Lady Bay (Lady Jane) Beach

Cobblers Beach

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Obelisk Beach

Werrong Beach

Samurai Beach





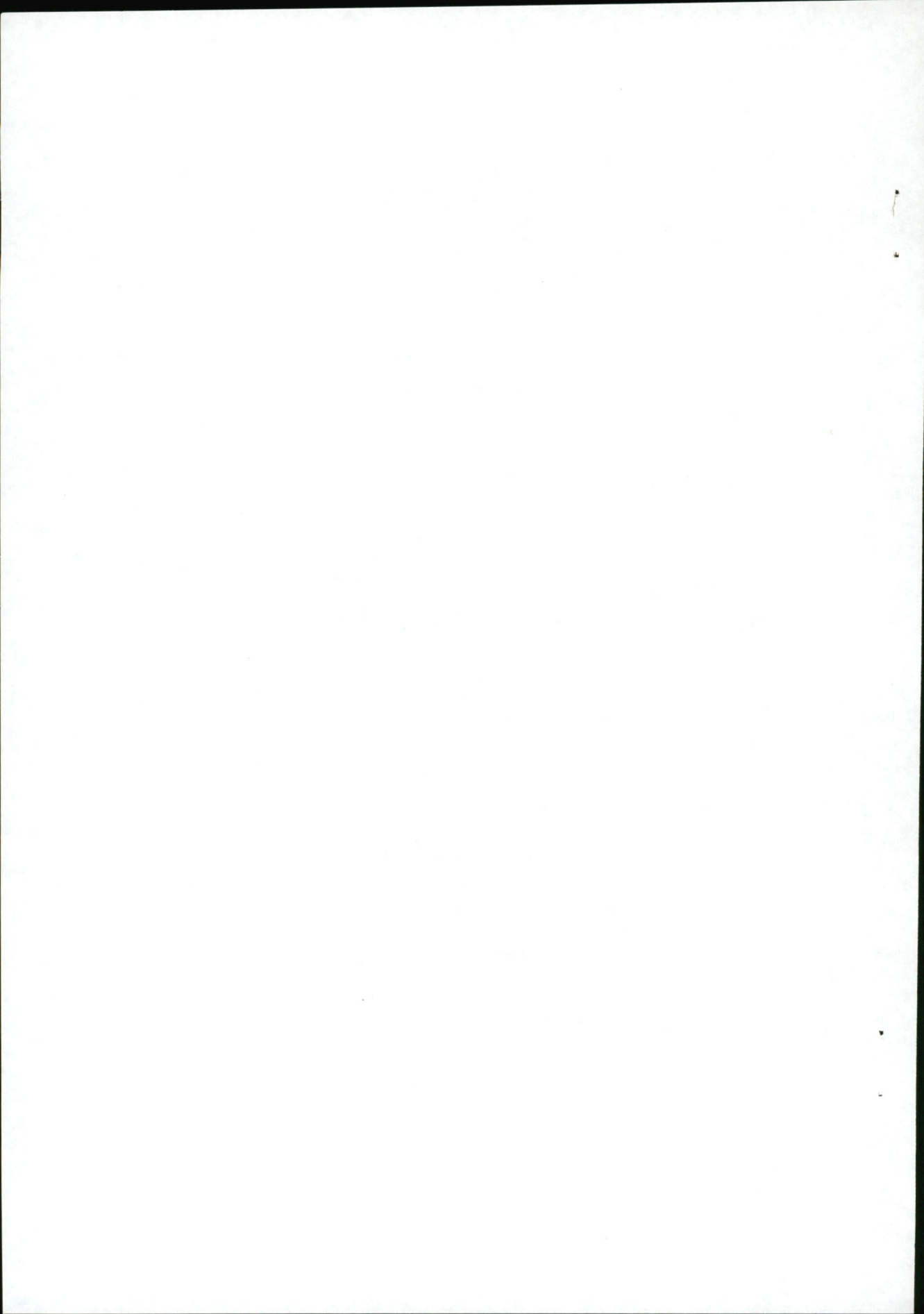
New South Wales

# Local Government Amendment (Nude Bathing) Act 1996 No 133

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New South Wales

## **Local Government Amendment (Nude Bathing) Act 1996 No 133**

Act No 133, 1996

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An Act to amend the *Local Government Act 1993* to allow nude bathing on certain beaches. [Assented to 12 December 1996]

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

**1 Name of Act**

This Act is the *Local Government Amendment (Nude Bathing) Act 1996*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 633 Bathing (including nude bathing) and other water-based recreational activities**

Insert “(other than a designated beach)” after “any place” in section 633 (2).

**[2] Section 633 (4A) and (4B)**

Insert after section 633 (4):

(4A) However, a notice referred to in this section cannot prohibit:

- (a) the use of a designated beach for the purposes of nude bathing, or
- (b) a person from otherwise being in the nude at a designated beach.

(4B) Accordingly, any such notice (whether erected before or after the commencement of the *Local Government Amendment (Nude Bathing) Act 1996*) that purports to prohibit the use of a designated beach for the purposes of nude bathing, or that purports to prohibit a person from otherwise being in the nude at a designated beach, has no effect on or after that commencement.

**[3] Section 633 (6)**

Insert after section 633 (5):

(6) In this section:

*designated beach* means any of the following beaches, or any part of the following beaches (including the sea adjacent to any such beach):

Lady Bay (Lady Jane) Beach

Cobblers Beach

Obelisk Beach

Werrong Beach

Samurai Beach

[Minister's second reading speech made in—  
Legislative Assembly on 13 November 1996  
Legislative Council on 3 December 1996]