

[Act 1996 No 133]



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.

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.