



## OFFICE OF SPORT

CRML21/278

Mr Ben Crawford  
Somerville Laundry Lomax  
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BYRON BAY NSW 2481

Email: [ben.crawford@sll.com.au](mailto:ben.crawford@sll.com.au)

Dear Mr Crawford

### Use of leg ropes in surfing

Thank you for your correspondence regarding the use of leg ropes in surfing which was originally addressed to the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, and referred to the Office of Sport for reply.

I note your concerns regarding the use of leg ropes among board riders, and the failure by surfers to comply in the absence of legal measures for enforcement of their use.

I am advised that there is no explicit provision in NSW legislation requiring use of leg ropes in surfboard riding. However, a provision of the *Local Government Act 1993*, S.633(4)(c) could empower a local council to require the use of leg ropes as 'water-based recreational equipment'. Should you wish to pursue this matter, you might consider approaching the relevant local council or the NSW peak body for councils, Local Government NSW.

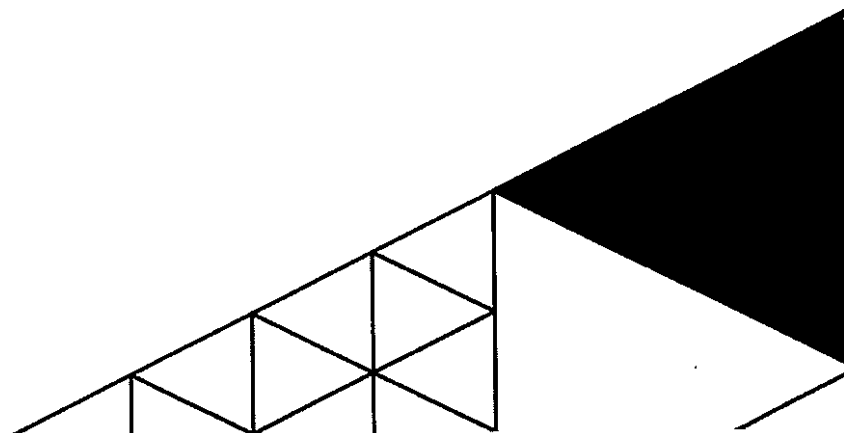
Thank you for taking the time to write.

Yours sincerely

Karen Jones  
**Chief Executive**  
15 October 2021

OFFICE OF SPORT

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# New South Wales Consolidated Acts

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [ru oteuu](#) [\[Eprevious\]](#) [\[Next\]](#) [\[Download\]](#) [\[Help\]](#)

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## LOCAL GOVERNMENT ACT 1993 - SECT 633

### Bathing (including nude bathing) and other water-based recreational activities

#### 633 Bathing (including nude bathing) and other water-based recreational activities

(1) A person who, in a place being--

(a) a public bathing place under the control of a council, or

(b) a river, watercourse or tidal or non-tidal water, or

(c) the sea adjacent to (although outside) an area, or @)

(d) a public place adjacent to any of those places,

fails to comply with the terms of a notice erected by the council is guilty of an offence.

: Maximum penalty--10 penalty units.

(2) A person who is in public view in the nude in any place (other than a designated beach) referred to in subsection (1) is guilty of an offence unless a notice erected by the council at the place allows the use of the place (or part of the place) for the purposes of nude bathing.

: Maximum penalty--10 penalty units.

(3) A council may erect a notice--

(a) on land vested in or under the control of a council, or @

(b) on any other land, with the consent of the person who owns or controls the land.

(4) The terms of a notice referred to in this section may relate to one or more of the following--

(a) the conduct and costume of the bathers in the place,

(b) the use of the place (or any part of the place open to public view) for the purposes of nude bathing,

(c) the use of water-based recreational equipment in the place.

(1)

(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.

(4C) A notice referred to in this section cannot prohibit or regulate the use of any waters by a vessel (within the meaning of the *Ports and Maritime Administration Act 1995*)--

(a) in the case of a notice erected after the commencement of this subsection--unless the Minister administering that Act has consented to the erection of that notice, or

(b) in the case of a notice erected before that commencement--if the Minister administering that Act has directed the council to remove the notice.

(5) The terms of a notice referred to in this section may--

(a) apply generally or be limited in their application by reference to specified exceptions or factors, or

(b) apply differently according to different factors of a specified kind,



or may do any combination of those things.

(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

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