

Comparison – Beach Access Local Law 1997 and proposed Public Places and Local Government Property Local Law 2026

Beach Access 1997			Draft Places & Property 2026		
Clause	Clause title / effect	Comment	Clause	Clause title / effect	Comment
1	Short title	Admin	1.1	Citation	Admin
2	Commencement	Admin	1.2	Commencement	Admin
3	Interpretation	Relevant definitions in P&P	1.6	Terms used	Note definitions of – - authorised person - beach – important - boat - emergency vehicle - licence - sell - special purpose vehicle - vehicle – important
4	Application	To areas specified in Sch 1	1.3	Application	Whole district Limited to cl.5.5 for the purposes of beaches
5	Crown to be bound	Very unusual – lesser authority generally cannot restrict higher authority	n/a	Crown not bound	Applies to the person driving the vehicle Note cl.1.10
6	Driving of motor vehicles prohibited	No vehicles in prohibited area (Sch.1)	5.4	Prohibited activities on beaches (a) vehicles (b) boats	Effectively identical to current local law
7	Launching of boats prohibited	Launching of boats prohibited			Permission can be given with a licence <u>No provision in current local law</u>
8	Exemptions	- In the course of duties of public authority - Holder of professional fishing licence - motorised wheelchair	1.10 5.4	Special purpose and emergency vehicles Prohibited activities on beaches “vehicle” does not include wheelchairs etc	Exempt if in the course of their duties Permission can be given with a licence <u>No provision in current local law</u>
9	Infringements notices	As specified in Sch 2	13.4	Form of infringement notices	See below
10	Penalty	\$1,000 Note – provision for infringements unstated	13.1	Offences and general penalty	Non-compliance with local law is an offence
			13.2	General penalty	Maximum penalty that can be applied by a Court (\$10,000)
			13.3	Prescribed offences	As per Sch 1

			Sch 1	Prescribed offences	Modified penalties where an infringement notice can be issued
Sch 1	Prohibited areas (a) John Cove ... "more particularly..." (b) Short Beach... "more particularly..." (c) Native Dog Beach... "more particularly..."	Use of "more particularly" lacks clarity	5.5	Prohibited beach areas (a) As may be determined in accordance with Part 2 from time to time; (b) John Cove including portions of Bremer Beach, Bremer Bay, being Reserve 21646 – Land ID No. 3455279, Reserve 27093 – Land ID No. 1854251, Reserve 21496 – Land ID No. 1854250 and Reserve 4120 – Land ID No. 30183066; (c) Short Beach, being VCL Land ID No. 3091875; (d) Blossoms Beach, Native Dog Beach and Little Boat Harbour, being VCL Land ID No. 4066557 and Reserve 3766 – Land ID No. 3057152; (e) Back Beach, being VCL Land ID No. 3091875; (f) Banky Beach, being VCL Land ID No. 4066558; (g) Point Gordon, being Reserve 4121 – Land ID No. 3057282. ...	(a) Specific requirements under Part 2 before can be implemented (b) As per current (c) As per current (d) As per current Blossoms, Litte Boat Harbour added (e) Added (f) Added (g) Added Note clause 9.1 – Signs specifying conditions to be installed
Sch 2 Form 1 Form 2 Form 3	Notice to owner of vehicle Infringement notice Notice of withdrawal	These no longer compliant with legislative or Court requirements	13.4	Form of infringement notices	As specified by <i>Local Government (Functions and General) Regulations 1996</i>