

Free Beach Action NSW

Group Meeting

Wednesday 17 September 2008

Kyeemagh RSL Club

In attendance : Pete Dee, Chris Efstathiou, Mark Trenholme, Juan Mellado, Katina Mellado, Stuart Baanstra, Adam Bottomley, Linda Hunter, Graham Grant, Luke Bigucci, Josiane Schuthof, John Martin, Vince Bussa, Paula Bric, Jill Barber, Mark Wheatley.

Apologies: Gerald Ganglbauer, Colleen Goldman, Paul Brown, Debra Lee, Karol Bottle, Paul and Eddie.

Our second meeting at our second venue was opened at 7.15pm.

Pete thanked those present for coming before everyone introduced themselves (once again, Bexley was best represented with 3 members present). The apologies were noted for the record before the minutes from the last meeting were handed out along with the present meeting's agenda and associated literature. Introductions and apologies formed **Items 1 & 2** on the agenda.

Item 3: Minutes tabled from last meeting – Malabar RSL Club 20/8/08.

The minutes from the first meeting were adopted by Chris and seconded by Mark. Pete reminded everyone to access the NSW Free Beach Action Group site to **read** the minutes prior to each meeting. The hyperlink for NSW Free Beach Action Group is www.freebeach.info

Item 4: Survey re Little Congwong Beach.

The six members not present at the first meeting were handed the survey form and asked to anonymously score 1 through to 5 on the following issues (1 being agree most and 5 agree least). The scores shown have been updated and represent the average of all scores provided by the 22 members & friends present at both meetings.

| | |
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| 1. Fear of being arrested, summonsed or fined at Little Congwong Beach | 2.5 |
| 2. The activities of ‘perverts’ or ‘deviants’ in scrub surrounding the beach are the main cause for the increased attention by the authorities | 2.6 |
| 3. There are reports that the beach is being promoted as a gay beat and this is giving the wider community a tainted image of our beach | 2.9 |
| 4. Randwick City Council has an agenda to shut down our free beach | 1.9 |
| 5. Keep Little Congwong Beach clean (carry out more than U bring in) | 1.2 |
| 6. Be active in discouraging offensive behaviour or ‘gawking’ on Little Congwong Beach | 1.6 |
| 7. I have never seen any offensive behaviour on Little Congwong Beach | 2.2 |
| 8. I have made good friends with other nudists on Little Congwong Beach | 1.4 |
| 9. I would be prepared to take any charge or fine imposed on me to Court | 2.4 |
| 10. I will now make my way to another free beach which is legal | 2.9 |
| 11. I would consider being the new convener for NSW FBA Group | 3.3 |
| 12. How long have you practiced naturim/nudism? | 12.7yrs |
| 13. How long have you been coming to Little Congwong Beach? | 8yrs |

Item 5: Email from Bob REED supporting our groups efforts.

Pete tabled copies of an email he had received from Bob REED via Jo MULHOLLAND on the 20/8/08 which was the date of the first meeting. Unfortunately, the email was only accessed after Pete returned home from the first meeting. Pete told the group it was very heartening and important to receive emails of support from such icons within the free beach movement and naturist lifestyle. Bob REED was the founder and President of the Free Beach Association of NSW in the 1980s and only retired in 2005. Many of our legal free beaches in NSW are a result of Bob’s efforts.

Pete told the group he had hoped to go to Cobblers Beach with Chris and Mark to meet with Bob and Jo before this meeting to discuss an action plan and seek advice on a range of issues, however apparently schedules and time didn’t permit this. Pete will invite Bob and Jo to our next meetings.

Item 6: Discussion regarding jurisdiction over Little Congwong Beach and possible penalties that can be imposed.

The group was referred to their handed out literature with over a page of information on this most important issue whilst Pete spoke about a phone conversation he had on Tuesday 16/9/08 with the Acting Area Manager of the National Parks and Wildlife Service for the territory covering Botany Bay National Park.

The Acting Area Manager was asked, “Who actually has jurisdiction over Little Congwong Beach given the recent signage carrying the logos of NSW Police, NPWS and Randwick City Council?” Pete said the answer came as no surprise given the statement that council had put on their own website that ‘Little Congwong Beach is located within the Botany Bay National Park and is in the care and control of the **National Parks and Wildlife Service**’. The A/Area Manager said there are basically two areas of Jurisdiction on the beach because it is located in a National Park. The boundary between the two areas of jurisdiction is the Mean High Water mark (MHW).

1. The area above the MHW is under the control of National Parks and Wildlife Service.
2. The area below the MHW is under the control of NSW Waterways Authority.

NPWS told Pete there has been co-ordinated planning between NSW Police (Eastern Beaches Local Area Command), NPWS and Randwick City Council over the past months with ‘tri-lateral’ enforcement operations coming over the warmer months. The first phase of the operation would probably involve NPWS rangers passively asking nudists to cover up or leave the beach. If nudists are not compliant, the ranger could ask for particulars and issue an infringement. The point was also made that if any nudists were not compliant and refused to provide their particulars the ranger would most likely call police, however the A/Area Manager readily admitted NPWS would find it difficult to enforce any breaches of their regulation (NPWR-4(2)(f) in the absence of signage which are the ‘spring board’ of any upcoming enforcement operations.

Pete made the point to the group, it may be better to cover up until the rangers leave rather than have police attend the beach given the more intrusive powers police have to demand particulars, issue infringements, summons or arrest and charge for ‘Wilful and obscene exposure’. Realistically police will also be seeking to issue infringements rather than make arrests which will tie them up from attending to more important matters and these infringements mean no criminal conviction recorded against the individual.

Pete went on to outline **possible on the spot penalties** each of the authorities (including police) could issue to a nudist on Little Congwong Beach;

- ❖ Above the MHW mark NPWS can issue an infringement for ‘Use facility/carry out activity in contravention of notice’ - **\$300** fine
- ❖ Below the MHW mark Waterways can issue an infringement for ‘Failure to comply with sign/notice of the Waterways Authority’ - **\$60** fine
- ❖ Local Governments have six infringements which all pertain to breaches of Section 633 of the Local Government Act. All attract a **\$110** fine. Offences

under 633(1) relate to failure to comply with council notices, however 633(2) covers the offence of 'Nude in public view' and seemingly would not need a sign for a nudist in a non-gazetted Local Government area to be prosecuted.

Pete said that the absence of the Waterways logo on the most recent signs would surely prevent them from issuing any infringements as they need a sign or notice specifying nudity is prohibited or similar to prove the offence of not complying.

The A/Area Manager from NPWS acknowledged much of their focus of unlawful activities on the beach relates to reports of homosexual or indecent acts in the scrub and dunes around the beach where their fences had been breached and the fact the beach is becoming known as a gay beat. NPWS stated they are aware nudists have been using the beach for a considerable period of time with most behaving in an appropriate manner and truly caring for the beach.

NPWS made one last point to Pete in their phone conversation, that being Randwick City Council have agreed to fund and erect all future signage on the approaches to Little Congwong Beach and are looking for an 'indestructible' sign if such a thing exists.

Pete commented about the Local Government infringements, making the point that whilst Randwick City Council put their logo on the recent signage they do not appear to have a legitimate jurisdiction over the beach, whereas NPWS certainly do above the MHW and their penalty is much higher. Pete informed the group he had made calls to Randwick City Council over the 2 weeks leading up to the recent council elections to inquire about jurisdiction over the beach with no reply from council yet.

The point was made that if council issue infringements against anyone for being in breach of their notices, the prosecuted nude beach user/s may wish to fight the infringement and take the downloaded page from Randwick City Council's own website stating Little Congwong is in the care and control of NPWS with them to Court. This page from council's website was included in the handout to the group. (Council's infringements cannot be transferred to a NPWS infringement at court)

Pete stressed that we need to identify the new NSW Minister for Climate Change, Environment and Water with the recent installment of the REES Government. This is the Minister in charge of NPWS and should be the focus of our future lobbying. Similarly we need to identify the new Minister for Local Government to lobby and establish whether Randwick City Council have legitimate jurisdiction over the beach.

EDIT: 22/9/08

The new Minister for Climate Change, Environment & water is Carmel TEBBUTT
The new Minister for Local Government is Barbara PERRY

**Item 7: Correspondence or liaison conducted with media or relevant authorities
Since last our meeting.**

Copies of the five excellent letters from Paula, Katina, Mark, John and Vince were tabled. Each letter promoted our cause articulately. Mark's letter had even been published in the current issue of the SOUTHERN COURIER.

Paula, Katina and Mark wrote very clearly about the virtues of nude bathing at Little Congwong Beach and the bewilderment of Randwick City Council's recent signage and opposition to our beach.

John's letter to the last Minister for Climate Change, Environment and Water (Verity FIRTH) was very much to the point. A reply to an earlier letter to John from the then Minister for Local Government Paul LYNCH contained nothing more than the usual rhetoric in opposition to our beach being gazetted legally nude under Section 633(6) and indeed he passed the 'hot potato' back to the Hon Verity FIRTH.

John was very keen to state he believed Vince's letter to Minister FIRTH was even better.

EDIT: 22/908 Pete can only agree with John.

Copies of these letters will be forwarded to the new Ministers covering the two portfolios concerning our beach as well as council.

Pete will also continue to get an answer from Randwick City Council concerning their actual jurisdiction (perceived or real) over the beach. Pete will also contact the new Ministers for Local Government Minister and Climate Change to seek the Government's ruling on the jurisdiction over the beach.

Item 8: Suggestions to improve our standing on the beach.

Pete suggested the group should approach Anita GRIGG of the Free Beach Association (FBA) to obtain at least two of their yellow and blue banners/flags. These could be placed on either side of where our 'core group' of regular beach users place towels. This would promote a site of solidarity/leadership/advice/information and safety particularly for single females. This idea was supported by the group.

Pete also suggested we seek to obtain at least one carry able bin from the local NPWS depot bearing the NPWS logo that we can padlock and unlock with a shared key to the fence at the top of the stairs leading to the beach. The idea being we could collect rubbish from the beach using a bin with the NPWS logo and thereby enhance our rapport with NPWS whilst minimizing their work on our beach. This idea was supported by the group.

Item 9: NSW FBA Group logo – Any ideas?

Chris stated that any logo should incorporate a black snake because 'CONGWONG' was found to be an indigenous word for black snake. The group agreed, but consensus was it should be a 'little black snake'. Designs for our logo are now invited from all members!

Item 10: Petitions

The petitions are going very well, 8 pages (120 signatories) were handed in at the meeting with fresh forms handed out for even more signatures. Pete stated he was going to the KIATA Nudist Club open days on Saturday 4 & Sunday 5 October with handfulls of petition forms, so standby for more numbers which we'll submit to council the week ending 18/10/08.

EDIT : 22/9/08

Pete obtained two more pages (30 signatures) on the beach on Fri 19/9/08

Mark secured six more pages (90 signatures) on the beach on Sat 20/9/08

Item 11: KIATA Nudist Club open day Saturday 4/10/08

Pete advised the group of the Nude Oktoberfest weekend at the KIATA Nudist Club on the 4-5/10/08 with the club's annual open day being Saturday 4/10/08 for couples and families only. At only \$5.00 entry fee per car, the day is well worth considering (Pete's taking 30 pages of our petition to the Oktoberfest!!!)

Item 12: National Nude Week (Australian Nudist Federation)

Pete advised the group of the Australian Nudist Federation 'National Nude Week' coming up on 15-23 November, 2008. Possibly our group could arrange something involving our beach which could be advertised by the ANF? A flier from the ANF concerning the National Nude Week was included in the handout.

Item 13: Aussie Naturists website – Strong support for Little Congwong Beach

Pete again spoke about this free website dedicated to the Australian Naturist Lifestyle and commented how popular the site's forum post concerning Little Congwong Beach was with over 220 of the Aussie Naturists reading the 23 threads submitted about the beach. Fliers for the site were again made available to the group.

Item 14: Any other Correspondence or planned correspondence

Stuart passed around clippings of articles he has had published in SOUTHERN COURIER

Pete told the group he and Colleen were happy to write articles for OZ Sun & Health and TAN magazines about our fight to make Little Congwong Beach a legal free beach. Pete had already emailed Sarah SCRIVEN from OZ Sun & Health with the idea. Both publications are happy to put the defense for our beach into print ASAP. (Pete also passed around issue 39 of TAN in which he and Colleen appear in Colleen's first naturist article on Little Congwong Beach on New Years Day)

Other correspondence to be undertaken before 15/10/08:

Pete – Contact Anita GRIGG of FBA re banners/flags
Contact NPWS La Perouse Depot re a bin/s for our use on the beach
Invite Bob REED & Jo MULHOLLAND to our next meeting
Write to Southern Courier and add the other letters from our group and the
Google Earth photos of Congwong and Little Congwong Beach.

EDIT : 22/9/08

Pete - Contact Ministers TEBBUTT and PERRY

Item 15: Next meeting

Chris made the point that the Kyeemagh RSL Club was too open which made it difficult for people to be heard from either end of the table.

Pete agreed, and wishes to remind everyone to be considerate and not chat among each other whilst others are speaking at future meetings.

Chris will now seek a new venue and advise of such well before the next meeting which has been set for 7.00pm Wednesday 15th October, 2008.

The meeting formally closed at 8.20pm.

Cheers,
Pete