

# LEX LOCI'S TRAVELS

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*An irregular one-pager from The Public Land Consultancy*

## Lex tests the Waters of Kananook Creek, Frankston

Lex is paddling his tinnie down Kananook Creek, in Frankston. If he goes much further, he will emerge into Port Phillip.

Everybody around him is enjoying the summer weather, but Lex is wondering (as he does) about place-law: what rules and regulations must he be observing? To this end he wants to know where the Creek ends and where the Bay begins.

So he reaches for his handy copy of the *Government Gazette* dated 26 June 1997. Here's a vice-regal decree, defining things called 'local ports.' The local port of Port Phillip includes various navigable rivers, one of which is Kananook Creek. So even though he's still in the Creek he's already in Port Phillip, and is therefore subject to the *Port Management Act 1995*.

**But is this part of the Creek coastal? Any normal person asking that question might test the water's salinity, or check water levels for tidal fluctuations. Not our Lex.**

What else does he find in his Esky? Why, it's the *Government Gazette* of 30 October 2003. Here's another vice-regal decree to the effect that the boundary of 'coastal Crown land' is the downstream face of the Wells Street bridge – which he has just passed under. So he's now subject to the *Coastal Management Act 1995*.

From the bank, he's being watched by one of the City of Frankston's local laws enforcement officers. Into the Esky again! Scrabbling through his collection of gazettes he finds nothing on the subject of the municipal boundary – from which he concludes that it must be at Low Water Mark (LWM), as per section 3(3) of the *Local Government Act 1989*.

Now our intrepid mariner heads under the pedestrian bridge at the mouth of the Creek; through the channel cut across the beach, and out to sea...



*Members of the Kananook Creek Association celebrate their on-going efforts to transform the Creek from a foul drain into a wildlife haven*

Lex's tinnie isn't exactly a speedboat, so he has little difficulty complying with the 5 knot speed limit imposed by rule 1.2.7 of the *Vessel Operating and Zoning Rules*, gazetted (as he soon discovers) on 5 June 2015 under the *Marine Safety Act 2010*. Still, as a law-abiding citizen, he notes that this speed limit applies to the whole of the Creek and 200 metres out to sea.

Now he's crossed LWM, so he's out the bylaws officer's territory – or is he? Checking his handy copy of the Frankston Planning Scheme he sees that the Public Conservation and Resource Zone (PCRZ) still applies for a further 600 metres.

**Will he reach the three mile limit? What law applies on the high seas? Don't even think about it Lex. Not in that tinnie, anyway.**

*See you there! Lex Loci*