

## **Local Government Amendment (Graffiti) Bill 2003**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* to enable a local council:

(a) to recover from a public authority expenses incurred by the council for removal of graffiti from property owned or occupied by the public authority, and

(b) to order removal of graffiti from property owned or occupied by a public authority.

#### 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 assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

#### **Schedule 1 Amendments**

Under section 67A of the *Local Government Act 1993*, a council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land. Under section 67B of that Act, a council may also, without the agreement of the owner or occupier of any land, carry out at the council's expense graffiti removal work to property on that land if the graffiti is visible from a public place and the graffiti removal work required can be carried out from a public place.

**Schedule 1 [1]** removes the reference to "private" in relation to land over which a council may enter into an agreement with the owner or occupier for graffiti removal work. A council will be able to enter into agreements with public authorities for graffiti removal work on lands that are not private lands within the meaning of the *Local Government Act 1993* (for example, public lands and commons).

**Schedule 1 [3]** allows a council to recover from a public authority that is the owner or occupier of the property from which graffiti is removed the cost of graffiti removal work carried out, without the consent of the public authority, from a public place.

**Schedule 1 [4]** enables a local council to order a public authority to remove graffiti on property owned or occupied by the public authority if:

(a) the graffiti is visible from a public place, and

(b) the public authority does not agree to have the graffiti removed, and

(c) the graffiti removal work cannot be carried out from a public place.

**Schedule 1 [5]** makes failure to comply with an order referred to in Schedule 1 [4] an offence.

**Schedule 1 [2] and [6]** are consequential amendments.