



New South Wales

# 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.

Introduced by Mrs Judith Hopwood, MP

First print



New South Wales

# Local Government Amendment (Graffiti) Bill 2003

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Local Government Act 1993 No 30	2
Schedule 1 Amendments	3





New South Wales

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

No. , 2003

---

### **A Bill for**

An Act to amend the *Local Government Act 1993* in relation to the powers of local councils with respect to the removal of graffiti on property owned or occupied by public authorities.

---

---

<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Local Government Amendment (Graffiti) Act 2003</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent.	5
<b>3 Amendment of Local Government Act 1993 No 30</b>	6
The <i>Local Government Act 1993</i> is amended as set out in	7
Schedule 1.	8

**Schedule 1 Amendments**

(Section 3)

**[1] Section 67A Graffiti removal work—by agreement with owner or occupier**

Omit “private”.

**[2] Section 67B Graffiti removal work—without agreement of owner or occupier**

Omit “The council” from section 67B (3). Insert instead “Subject to subsection (6), the council”.

**[3] Section 67B (6)**

Insert after section 67B (5):

(6) A council may recover the cost of graffiti removal work referred to in subsection (1) from a public authority that is the owner or occupier of the property from which the graffiti is removed. Any amount due under this subsection may be recovered by the council in any court of competent jurisdiction as a debt due to the council by the public authority.

**[4] Section 124 Orders**

Insert after order No 1 of the Table to the section:

2	To remove graffiti that is visible from a public place	Public authority that is the owner or occupier of the land concerned does not agree to have the graffiti removal work carried out on the land and the work cannot be carried out from a public place in accordance with section 67B	Public authority that is the owner or occupier of the land concerned
---	--	---	--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Local Government Amendment (Graffiti) Bill 2003

Schedule 1 Amendments

---

<b>[5] Section 628 Failure to comply with order</b>	1
Insert “2,” after “Nos 1,” in section 628 (1).	2
<b>[6] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts</b>	3
Insert at the end of clause 1 (1):	4
<i>Local Government Amendment (Graffiti) Act 2003</i>	5
	6