



New South Wales

Local Government Amendment (Graffiti Removal) Bill 2001

Explanatory note

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

Overview of Bill

The objects of this Bill are to amend the *Local Government Act 1993*:

- (a) to provide that local councils may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land, and
- (b) to facilitate the granting of financial assistance by local councils as part of programs of graffiti removal.

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 a day or days to be appointed by proclamation.

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

Schedule 1 [3] inserts proposed section 67A into the Principal Act to give effect to paragraph (a) of the objects outlined above. In general, a local council may carry out work on private land with the agreement of the owner or occupier of the land. However, under section 67 of the Principal Act, the council must either fix a general or particular rate for carrying out that work or notify a meeting of the council before the work is carried out. The amendment facilitates the rapid carrying out of graffiti removal work by allowing such work to be undertaken immediately. Details of such work are to be recorded in a public register. **Schedule 1 [1]** and **[2]** are consequential amendments.

Schedule 1 [4] inserts proposed section 356 (4) into the Principal Act to give effect to paragraph (b) of the objects outlined above. In general, grants of financial assistance are subject to a delay of 28 days to allow public notice to be given. The amendment removes this delay where the grant is part of a program of graffiti removal.

First print



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New South Wales

Local Government Amendment (Graffiti Removal) Bill 2001

No. , 2001

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (Graffiti Removal) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of Local Government Act 1993 No 30	8
The <i>Local Government Act 1993</i> is amended as set out in Schedule 1.	9

Schedule 1 Amendments

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(Section 3)

2

[1] Section 12 What information is publicly available?

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Insert at the end of section 12 (1):

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- the register of graffiti removal work kept in accordance with section 67A.

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[2] Section 67 Private works

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Insert after section 67 (5):

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- (6) This section does not apply to any graffiti removal work carried out by a council in accordance with section 67A.

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[3] Section 67A

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Insert after section 67:

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67A Graffiti removal works

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- (1) A council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.
- (2) The council must keep a register of graffiti removal work carried out in accordance with any agreements made under this section. The register is to specify in respect of each incidence of graffiti removal work carried out:
 - (a) the person for whom the work was carried out, and
 - (b) the nature of the work, and
 - (c) an estimate of the cost of carrying out the work at current market rates, and
 - (d) the actual amount charged for carrying out the work.

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[4] Section 356 Can a council financially assist others?	1
Insert after section 356 (3):	2
(4) Public notice is also not required if the financial assistance is part of a program of graffiti removal on private land.	3 4
Note. Section 67A of the Act deals with graffiti removal work on private land.	5 6