

Passed by both Houses



New South Wales

# Local Government Amendment (Graffiti) Bill 2002

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2002*



New South Wales

## **Local Government Amendment (Graffiti) Bill 2002**

Act No , 2002

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An Act to amend the *Local Government Act 1993* in relation to the powers of local councils with respect to the removal of graffiti.

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Local Government Amendment (Graffiti) Act 2002*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 12 What information is publicly available?**

Omit from section 12 (1):

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

Insert instead:

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

**[2] Section 67 Private works**

Insert “or 67B” after “section 67A” in section 67 (6).

**[3] Chapter 6, Part 3, Division 4**

Omit section 67A. Insert instead:

### **Division 4 Graffiti removal work**

**67A Graffiti removal work—by agreement with owner or occupier**

A council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.

**67B Graffiti removal work—without agreement of owner or occupier**

- (1) A council may, without the agreement of the owner or occupier of any land, carry out graffiti removal work to property on that land if the graffiti concerned is visible from a public place.
- (2) The graffiti removal work referred to in subsection (1) may only be carried out from a public place.
- (3) The council concerned is to bear the cost of graffiti removal work referred to in subsection (1).

- (4) If a council carries out graffiti removal work in accordance with this section, the council must, within a reasonable period, give the owner or occupier of the land concerned written notice that the work has occurred.
- (5) A council must pay compensation for any damage caused by the council in carrying out graffiti removal work in accordance with this section.

**Note.** Section 730 provides for the resolution of claims for compensation relating to damage under this section in cases of dispute between the person claiming the compensation and the council.

**67C Register of graffiti removal work**

- (1) The council must keep a register of graffiti removal work carried out in accordance with section 67A or 67B.
- (2) The register is to specify in respect of each incidence of graffiti removal work carried out:
  - (a) the owner or occupier of the premises on which the graffiti was situated, and
  - (b) the nature of the work carried out, and
  - (c) the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and
  - (d) in the case of graffiti removal work carried out in accordance with section 67A—the actual amount charged by the council for carrying out the work.

**[4] Section 356 Can a council financially assist others?**

Omit “on private land” from section 356 (4).

Insert instead “work”.

**[5] Section 356, note**

Omit the note to section 356. Insert instead:

**Note.** Sections 67A and 67B of the Act deal with graffiti removal work.

**[6] Section 730 Compensation**

Insert “67B (5),” before “128 or 198” in section 730 (1).

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**[7] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert at the end of clause 1 (1):

*Local Government Amendment (Graffiti) Act 2002*

**[8] Schedule 8**

Insert at the end of the Schedule with appropriate Part and clause numbers:

**Part Provision consequent on enactment of Local Government Amendment (Graffiti) Act 2002**

**Register of graffiti removal work**

- (1) In this clause, *amending Act* means the *Local Government Amendment (Graffiti) Act 2002*.
- (2) A register of graffiti removal work kept in accordance with section 67A of the Act as in force immediately before the commencement of the amending Act is taken to be a register of graffiti removal work kept in accordance with section 67C of the Act as in force after that commencement.