

Passed by both Houses



New South Wales

Local Government Amendment (Waste Removal Orders) Bill 2006

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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, , 2006*



New South Wales

Local Government Amendment (Waste Removal Orders) Bill 2006

Act No , 2006

An Act to amend the *Local Government Act 1993* with respect to the removal of waste from residential premises.

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.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Waste Removal Orders) Act 2006*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Local Government Act 1993 No 30

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

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 124 Orders

Insert after order No 22 in the Table to the section:

22A	To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises	The waste is, in the opinion of an environmental health officer (within the meaning of the <i>Public Health Act 1991</i>), causing or is likely to cause a threat to public health or the health of any individual	Owner or occupier of the premises
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[2] Section 128A

Insert after section 128:

128A Orders about removal or keeping of waste

- (1) An order in terms of order No 22A in the Table to section 124 ceases to have effect, unless earlier revoked under section 153, at the end of the period of 5 years after it is given.
- (2) The protection of public health is the paramount consideration in giving any such order.

[3] Section 129 Circumstances in which compliance with this Division is required

Insert after section 129 (2) (a):

- (a1) an order in terms of order No 22A in the Table to section 124 (except to the extent that this section would otherwise require compliance with section 131A), or

[4] Section 138 Notice of right to appeal against order

Insert at the end of the section:

- (2) This section does not apply in relation to order No 22A in the Table to section 124.

[5] Section 142 Orders affecting heritage items

Omit “No 2, 15, 16 or 17” from section 142 (6).

Insert instead “No 15, 16, 17 or 22A”.

[6] Section 143 Combined orders

Insert at the end of the section:

- (2) However, an order in terms of order No 22A in the Table to section 124 cannot be included with another order in the same instrument.

[7] Section 159 Preparation of draft local policy for orders

Insert after section 159 (2):

- (3) This section does not apply in relation to order No 22A in the Table to section 124.

[8] Section 180 Appeals concerning orders

Insert after section 180 (4):

- (5) This section does not apply in relation to order No 22A in the Table to section 124.

[9] Section 182 Appeals concerning particulars of work submitted to councils

Insert after section 182 (3):

- (4) This section does not apply in relation to order No 22A in the Table to section 124.

[10] 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 (Waste Removal Orders) Act
2006*