

FIRST PRINT

**LOCAL GOVERNMENT (PENALTIES) AMENDMENT BILL
1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Local Government Act 1919 so as—

- (a) to increase the maximum penalties which may be imposed pursuant to that Act for certain offences in some cases to \$2,000 and in other cases to \$500;
- (b) to provide that the maximum penalty which may generally be imposed for offences committed by any person under Ordinances made under that Act shall be \$1,000; and
- (c) to repeal certain provisions of that Act permitting the imposition of daily penalties for continuing offences or the imposition of higher penalties for second and subsequent offences committed by the same person.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day appointed by the Governor-in-Council.

Clause 3 defines the Principal Act.

Clause 4 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 5 provides that the amendments to the Principal Act shall not have the effect of repealing any Ordinance made under that Act.

Schedule 1 (1) amends section 30A (7) (a) of the Principal Act (council member failing to disclose interest in, or voting on, contract or other dealing with the council in which the member has a pecuniary interest) by increasing the maximum penalty for the offence from \$200 to \$2,000.

Schedule 1 (2) amends section 31 (2) of the Principal Act (acting in a civic office while disqualified) by increasing the maximum penalty for the offence from \$200 to \$2,000.

Schedule 1 (3) amends section 214 (3) of the Principal Act (refusing to comply with a summons issued by, or to be examined by, an auditor or inspector of local government accounts) by increasing the maximum penalty for the offence from \$40 to \$2,000.

Schedule 1 (4) (a) amends section 251A (7) of the Principal Act (driving an overloaded vehicle on a by-pass) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 1 (4) (b) amends section 251A (11) of the Principal Act (wilfully obstructing or damaging a by-pass) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 1 (5) amends section 277A (6) of the Principal Act (which states the penalties that may be imposed in Ordinances intended to prevent heavy vehicles from damaging roads for a breach of those Ordinances) by setting the maximum penalty which may be so imposed at \$2,000 (presently the maximum penalty is \$1,000 for a first offence or \$2,000 for a subsequent offence).

Schedule 1 (6) (a) amends—

- (a) section 277B (3) of the Principal Act (failing to comply with police or council servant's direction regarding overloaded vehicles); and
- (b) section 277B (10) of the Principal Act (unauthorised removal of impounded vehicle),

by setting the maximum penalty for the offences at \$2,000 (presently the maximum penalty is \$1,000 for a first offence or \$2,000 for a subsequent offence).

Schedule 1 (6) (b) amends section 277B (11) of the Principal Act (resisting or hindering a member of the police force exercising powers under section 277B) by setting the maximum penalty for the offence at \$2,000 (presently the maximum penalty is \$1,000 for a first offence or \$2,000 for a subsequent offence).

Schedule 1 (7) amends section 317 (1) of the Principal Act (carrying out unauthorised building work) by increasing the maximum penalty for the offence from \$200 to \$2,000 and by abolishing the daily penalty.

Schedule 1 (8) amends section 339 (1) of the Principal Act (opening an unauthorised road, unauthorised subdivision of land or unauthorised disposition of land included in a current plan) by increasing the maximum penalty for the offence from \$200 to \$2,000.

Schedule 1 (9) (a) amends section 470 (4) of the Principal Act (failure of pastures protection board to comply with notice to eradicate noxious plants) by setting the maximum penalty for the offence at \$2,000 (presently the maximum penalty is \$40 for a first offence or \$100 for a subsequent offence).

Schedule 1 (9) (b) amends the proviso to section 470 (4) of the Principal Act as a consequence of the proposed amendment of section 470 (4) of that Act.

Schedule 1 (10) amends section 472 (3) of the Principal Act (failure by occupier of private land to comply with general council notice to eradicate noxious plants) by setting the maximum penalty for the offence at \$2,000 (presently the maximum penalty is \$100 for a first offence or \$200 for a subsequent offence).

Schedule 1 (11) amends section 473 (5) of the Principal Act (failure by occupier of infested private land to comply with specific council notice to eradicate noxious plants) by setting the maximum penalty for the offence at \$2,000 (presently the maximum penalty is \$100 for a first offence or \$200 for a subsequent offence).

Schedule 1 (12) (a) amends section 475G (1) (d) of the Principal Act (obstructing authorised person inspecting land for noxious plants) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 1 (12) (b) amends section 475G (4) of the Principal Act (failure of council to comply with notice to eradicate noxious plants) by setting the maximum penalty for the offence at \$2,000 (presently the maximum penalty is \$40 for a first offence or \$100 for a subsequent offence).

Schedule 1 (12) (c) amends the proviso to section 475G (4) of the Principal Act as a consequence of the proposed amendment of section 475G (4) of that Act.

Schedule 1 (13) amends section 475I of the Principal Act (scattering of noxious plant or the seed or any part thereof) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 1 (14) amends—

- (a) section 512C of the Principal Act (removing, destroying or damaging lines, apparatus or works relating to supply of electricity by a council); and
- (b) section 512E (1) of the Principal Act (tampering with council electricity meters or wasting electricity),

by increasing the maximum penalty for the offences from \$100 to \$2,000.

Schedule 1 (15) amends section 633 (1) of the Principal Act by increasing the maximum penalty for an offence under that Act (where the penalty for the offence is not elsewhere specified) and by abolishing the general daily penalty.

Schedule 1 (16) (a) amends section 634 (1) of the Principal Act (council or council member neglecting or refusing to carry out duties under that Act) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 1 (16) (b) amends section 634 (2) of the Principal Act (council servant neglecting or refusing to carry out duties under that Act) by increasing the maximum penalty for the offence from \$10 to \$2,000.

Schedule 1 (17) amends section 635 of the Principal Act (obstructing the Governor, the Minister, a council or certain other persons while exercising statutory powers or carrying out statutory duties relating to councils) by increasing the maximum penalty for the offence from \$100 to \$2,000.

Schedule 2 (1) amends section 160AA (14) of the Principal Act (making a false statement in an application for a reduction in rates for an eligible pensioner) by increasing the maximum penalty for the offence from \$200 to \$500.

Schedule 2 (2) amends section 217 of the Principal Act (member or servant of a council not permitting an elector to make inspection authorised by or under that Act) by increasing the maximum penalty for the offence from \$20 to \$500.

Schedule 2 (3) amends—

- (a) section 249B (2) of the Principal Act (owner or occupier neglecting to comply with notice to number building); and
- (b) section 249B (4) of the Principal Act (destroying or defacing number marked on building or unlawfully marking building),

by increasing the maximum penalty for the offences from \$200 to \$500.

Schedule 2 (4) amends section 249C (3) of the Principal Act (throwing, placing or destroying a bottle or glass in a public place) by increasing the maximum penalty for the offence from \$300 to \$500.

Schedule 2 (5) amends section 251A (10) of the Principal Act (using a by-pass in an unauthorised way or removing a by-pass notice) by increasing the maximum penalty for the offence from \$10 to \$500.

Schedule 2 (6) amends—

- (a) section 270I of the Principal Act (damaging of, interfering with or fraudulently operating parking meter); and
- (b) section 270M (2) of the Principal Act (failing to comply with a police direction to vacate a metered parking zone or space during an emergency),

by increasing the maximum penalty for the offences from \$200 to \$500.

Schedule 2 (7) amends section 288A (8) of the Principal Act (failing to obtain licence for movable dwellings or to comply with conditions of any such licence) by increasing the maximum penalty for the offence from \$10 to \$500 and by abolishing the daily penalty.

Schedule 2 (8) (a) amends section 439 (1) of the Principal Act (driving, with the authority of their owner, of animals from herds or flocks of an occupant of land without obtaining permission of, or giving required notice to, the occupant) by increasing the maximum penalty for the offence from \$10 to \$500.

Schedule 2 (8) (b) amends section 439 (2) of the Principal Act (driving, without the authority of their owner, of animals, as referred to in section 439 (1) of that Act) by increasing the maximum penalty for the offence from \$20 to \$500.

Schedule 2 (9) amends section 440 of the Principal Act (unauthorised rescuing or assisting in the unauthorised rescuing of impounded animals) by increasing the maximum penalty for the offence from \$40 to \$500.

Schedule 2 (10) amends section 441 (1) of the Principal Act (admitting an animal on to cultivated land without authority) by increasing the maximum penalty for the offence from \$40 to \$500.

Schedule 2 (11) amends section 443 of the Principal Act (causing animals to trespass by unauthorised opening of gate or illegally impounding animals) by increasing the maximum penalty for the offence from \$20 to \$500.

Schedule 2 (12) amends section 536DG of the Principal Act (owner, lessee or occupier refusing inspection of mine by person appointed by the council) by increasing the maximum penalty for the offence from \$100 to \$500.

Schedule 2 (13) amends section 636 of the Principal Act (occupier, agent or owner of property refusing to disclose, or misstating to council, the name and address of the owner of, or the person receiving rent for, the property) by increasing the maximum penalty for the offence from \$20 to \$500.

Schedule 2 (14) amends section 642 (2) of the Principal Act (occupier of land preventing an owner or agent from carrying into effect requirements made by or under that Act in respect of the land) by abolishing the maximum daily penalty of \$10 for the offence and by imposing a maximum penalty for the offence of \$500.

Schedule 2 (15) amends section 644 (3) of the Principal Act (refusing to give name and address or giving a false name or address to council servant or member of the police force, when found committing offence) by increasing the maximum penalty for the offence from \$20 to \$500.

Schedule 3 (1) repeals and replaces section 576 (4) (a) of the Principal Act (which states the penalty that may generally be imposed in Ordinances made under that Act for a breach of an Ordinance). The proposed section 576 (4) (a) sets the maximum penalty which may be so imposed at \$1,000 and abolishes the distinction between the maximum penalties which may be so imposed on corporations and individuals.

Schedule 3 (2) repeals section 576 (4) (b) of the Principal Act (which states that a daily penalty may be imposed in Ordinances made under that Act for a continuing breach of an Ordinance).



LOCAL GOVERNMENT (PENALTIES) AMENDMENT BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 41, 1919
5. Saving

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT INCREASING
CERTAIN MAXIMUM PENALTIES TO \$2,000

SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT INCREASING
CERTAIN MAXIMUM PENALTIES TO \$500

SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES FOR BREACHES OF CERTAIN ORDINANCES



**LOCAL GOVERNMENT (PENALTIES) AMENDMENT BILL
1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Local Government Act 1919 so as to increase the maximum penalties for certain offences and for other purposes.

Local Government (Penalties) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Local Government (Penalties) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Local Government Act 1919 is referred to in this Act as the
15 Principal Act.

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedules 1-3.

Saving

20 5. This Act does not repeal any Ordinance—

(a) which was, immediately before the commencement of this Act, in force under the Principal Act; and

(b) which could be made under that Act, as amended by this Act.

SCHEDULE 1

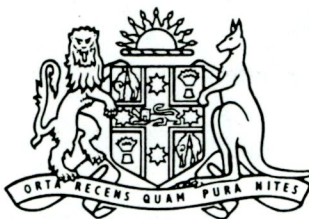
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(Sec. 4)

**AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000**

**LOCAL GOVERNMENT (PENALTIES) AMENDMENT BILL
1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Local Government Act 1919 so as to increase the maximum penalties for certain offences and for other purposes.

Local Government (Penalties) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Local Government (Penalties) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Local Government Act 1919 is referred to in this Act as the
15 Principal Act.

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedules 1-3.

Saving

20 5. This Act does not repeal any Ordinance—

(a) which was, immediately before the commencement of this Act, in force under the Principal Act; and

(b) which could be made under that Act, as amended by this Act.

SCHEDULE 1

25

(Sec. 4)

**AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000**

Local Government (Penalties) Amendment 1986

(1) Section 30A (7) (a)—

Omit “for each offence be liable to a penalty not exceeding two hundred dollars”, insert instead “be guilty of an offence under this Act”.

5 (2) Section 31 (2)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(3) Section 214 (3)—

Omit “forty dollars”, insert instead “\$2,000”.

10 (4) (a) Section 251A (7)—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

(b) Section 251A (11)—

15 Omit “upon summary conviction to imprisonment for a term not exceeding six months or to a penalty not exceeding one hundred dollars”, insert instead “to a term of imprisonment not exceeding six months, or a penalty not exceeding \$2,000”.

(5) Section 277A (6)—

20 Omit “\$1,000 in the case of a first offence or not exceeding \$2,000 in the case of a subsequent offence”, insert instead “\$2,000”.

(6) (a) Section 277B (3), (10)—

25 Omit “\$1,000 in the case of a first offence or \$2,000 in the case of a subsequent offence” wherever occurring, insert instead “\$2,000”.

(b) Section 277B (11)—

Omit “\$1,000 in the case of a first offence or \$2,000 in the case of any subsequent offence”, insert instead “\$2,000”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(7) (a) Section 317 (1)—

5 Omit “he shall be liable to a penalty not exceeding two hundred dollars and a further penalty not exceeding twenty dollars for each day during which such work is done after notice from the council”, insert instead “the person shall be guilty of an offence under this Act”.

(b) Section 317 (2)—

Omit “the recovery of any such penalty”, insert instead “an offence against this section”.

10 (8) Section 339 (1)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(9) (a) Section 470 (4)—

15 Omit “liable to a penalty not exceeding forty dollars for a first offence and not exceeding one hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

(b) Section 470 (4), proviso—

Omit “liable”, insert instead “guilty”.

20 (10) Section 472 (3)—

Omit “liable to a penalty not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

Local Government (Penalties) Amendment 1986

(1) Section 30A (7) (a)—

Omit “for each offence be liable to a penalty not exceeding two hundred dollars”, insert instead “be guilty of an offence under this Act”.

5 (2) Section 31 (2)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(3) Section 214 (3)—

Omit “forty dollars”, insert instead “\$2,000”.

10 (4) (a) Section 251A (7)—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

(b) Section 251A (11)—

15 Omit “upon summary conviction to imprisonment for a term not exceeding six months or to a penalty not exceeding one hundred dollars”, insert instead “to a term of imprisonment not exceeding six months, or a penalty not exceeding \$2,000”.

(5) Section 277A (6)—

20 Omit “\$1,000 in the case of a first offence or not exceeding \$2,000 in the case of a subsequent offence”, insert instead “\$2,000”.

(6) (a) Section 277B (3), (10)—

25 Omit “\$1,000 in the case of a first offence or \$2,000 in the case of a subsequent offence” wherever occurring, insert instead “\$2,000”.

(b) Section 277B (11)—

Omit “\$1,000 in the case of a first offence or \$2,000 in the case of any subsequent offence”, insert instead “\$2,000”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(7) (a) Section 317 (1)—

5 Omit “he shall be liable to a penalty not exceeding two hundred dollars and a further penalty not exceeding twenty dollars for each day during which such work is done after notice from the council”, insert instead “the person shall be guilty of an offence under this Act”.

(b) Section 317 (2)—

Omit “the recovery of any such penalty”, insert instead “an offence against this section”.

10 (8) Section 339 (1)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(9) (a) Section 470 (4)—

15 Omit “liable to a penalty not exceeding forty dollars for a first offence and not exceeding one hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

(b) Section 470 (4), proviso—

Omit “liable”, insert instead “guilty”.

20 (10) Section 472 (3)—

Omit “liable to a penalty not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(11) Section 473 (5)—

5 Omit “he shall be liable to a penalty not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for any subsequent offence”, insert instead “, the owner or occupier, as the case may be, shall be guilty of an offence under this Act”.

(12) (a) Section 475G (1) (d)—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

10 (b) Section 475G (4)—

Omit “liable to a penalty not exceeding forty dollars for a first offence, and not exceeding one hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

15 (c) Section 475G (4), proviso—

Omit “liable” insert instead “guilty”.

(13) Section 475I—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

20 (14) Sections 512C, 512E (1)—

25 Omit “on summary conviction be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding twelve months” wherever occurring, insert instead “be liable to a term of imprisonment not exceeding twelve months, or a penalty not exceeding \$2,000”.

(15) Section 633 (1)—

Omit “two hundred dollars, and to a further daily penalty not exceeding ten dollars”, insert instead “\$2,000”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(16) (a) Section 634 (1)—

5 Omit “it or he is directed or required to do, it or he shall for every such offence be liable to a penalty not exceeding one hundred dollars”, insert instead “the council or member, as the case may be, is directed or required to do, the council or member shall be guilty of an offence under this Act”.

(b) Section 634 (2)—

10 Omit “he is directed or required to do, he shall for every such offence be liable to a penalty not exceeding ten dollars”, insert instead “the servant is directed or required to do, the servant shall be guilty of an offence under this Act”.

(17) Section 635—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500

- 5 (1) Section 160AA (14)—
After “Act”, insert “and shall be liable to a penalty not exceeding \$500”.
- (2) Section 217—
Omit “twenty dollars”, insert instead “\$500”.
- 10 (3) Section 249B (2), (4)—
After “Act” wherever occurring, insert “and liable to a penalty not exceeding \$500”.
- (4) Section 249C (3)—
Omit “three hundred dollars”, insert instead “\$500”.
- 15 (5) Section 251A (10)—
Omit “liable on summary conviction to a penalty not exceeding ten dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.
- (6) Sections 270I, 270M (2)—
20 After “Act” wherever occurring, insert “and liable to a penalty not exceeding \$500”.
- (7) Section 288A (8)—
25 Omit “liable to a penalty not exceeding ten dollars and to a further penalty not exceeding four dollars for each day on which the offence continues after conviction therefor”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500—*continued*

(8) (a) Section 439 (1)—

Omit “liable to a penalty not exceeding ten dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

5 (b) Section 439 (2)—

Omit “liable to a penalty not exceeding twenty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(9) Section 440—

10 Omit “liable to a penalty not exceeding forty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(10) Section 441 (1)—

15 Omit “liable for every such offence to a penalty not exceeding forty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(11) Section 443—

20 Omit “, for every such offence, be liable to a penalty not exceeding twenty dollars”, insert instead “be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(12) Section 536DG—

25 Omit “every person so offending shall for every such refusal be liable to a penalty not exceeding one hundred dollars”, insert instead “the owner, lessee or occupier, as the case may be, shall be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500—*continued*

(13) Section 636—

Omit “shall be liable to a penalty not exceeding twenty dollars”, insert instead “, as the case may be, shall be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

5 (14) Section 642 (2)—

Omit “liable to a penalty not exceeding ten dollars for every day during the continuance of such non-compliance”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

10 (15) Section 644 (3)—

Omit “liable to a penalty not exceeding twenty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

SCHEDULE 3

15

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES FOR BREACHES OF CERTAIN ORDINANCES

(1) Section 576 (4) (a)—

Omit the paragraph, insert instead:

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(a) except as provided by subsection (5), impose a penalty not exceeding \$1,000 for any breach of the ordinance;

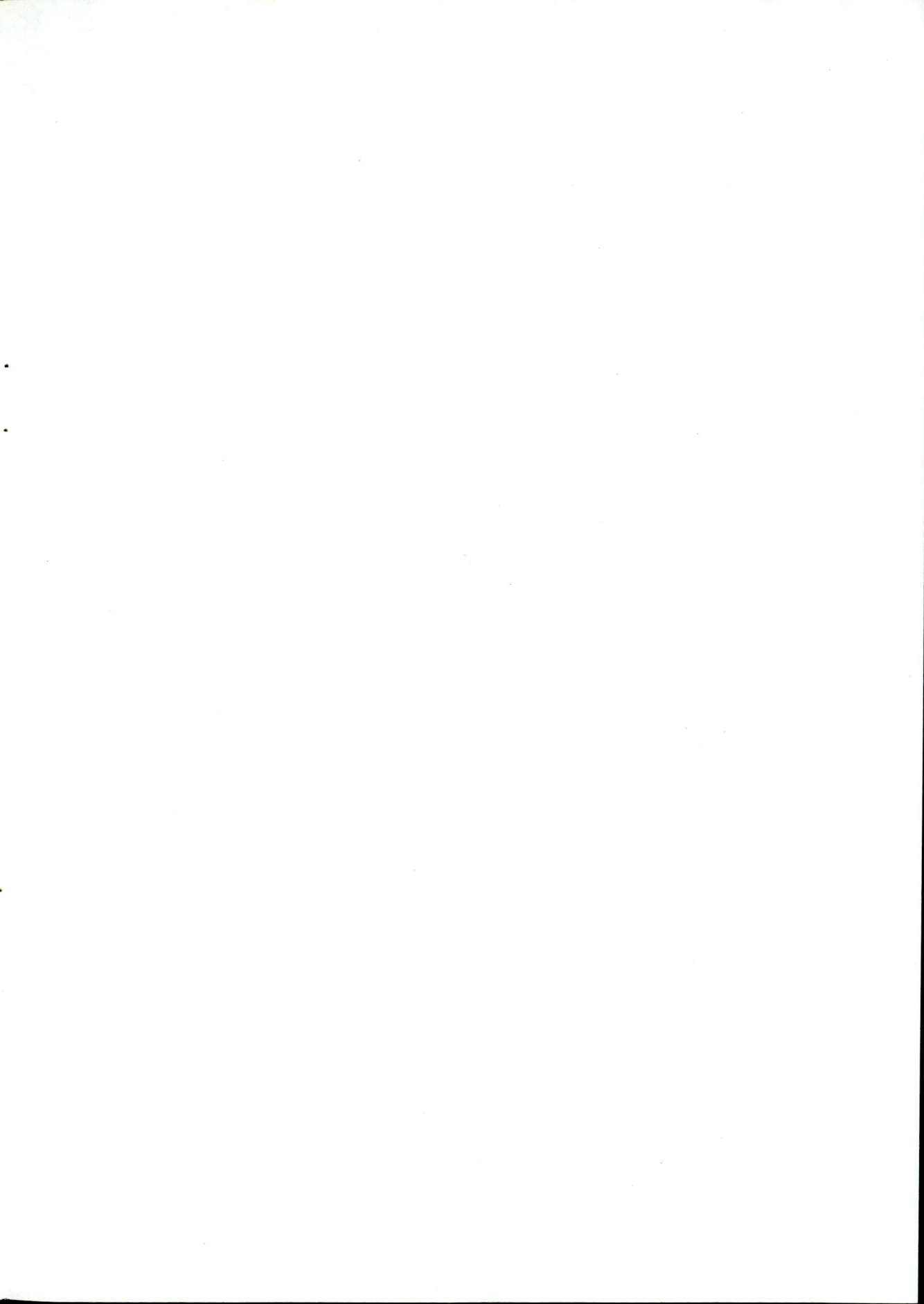
Local Government (Penalties) Amendment 1986

SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES FOR BREACHES OF CERTAIN ORDINANCES—
continued

(2) Section 576 (4) (b)—

Omit the paragraph.





**LOCAL GOVERNMENT (PENALTIES) AMENDMENT ACT .
1986 No. 2**

NEW SOUTH WALES



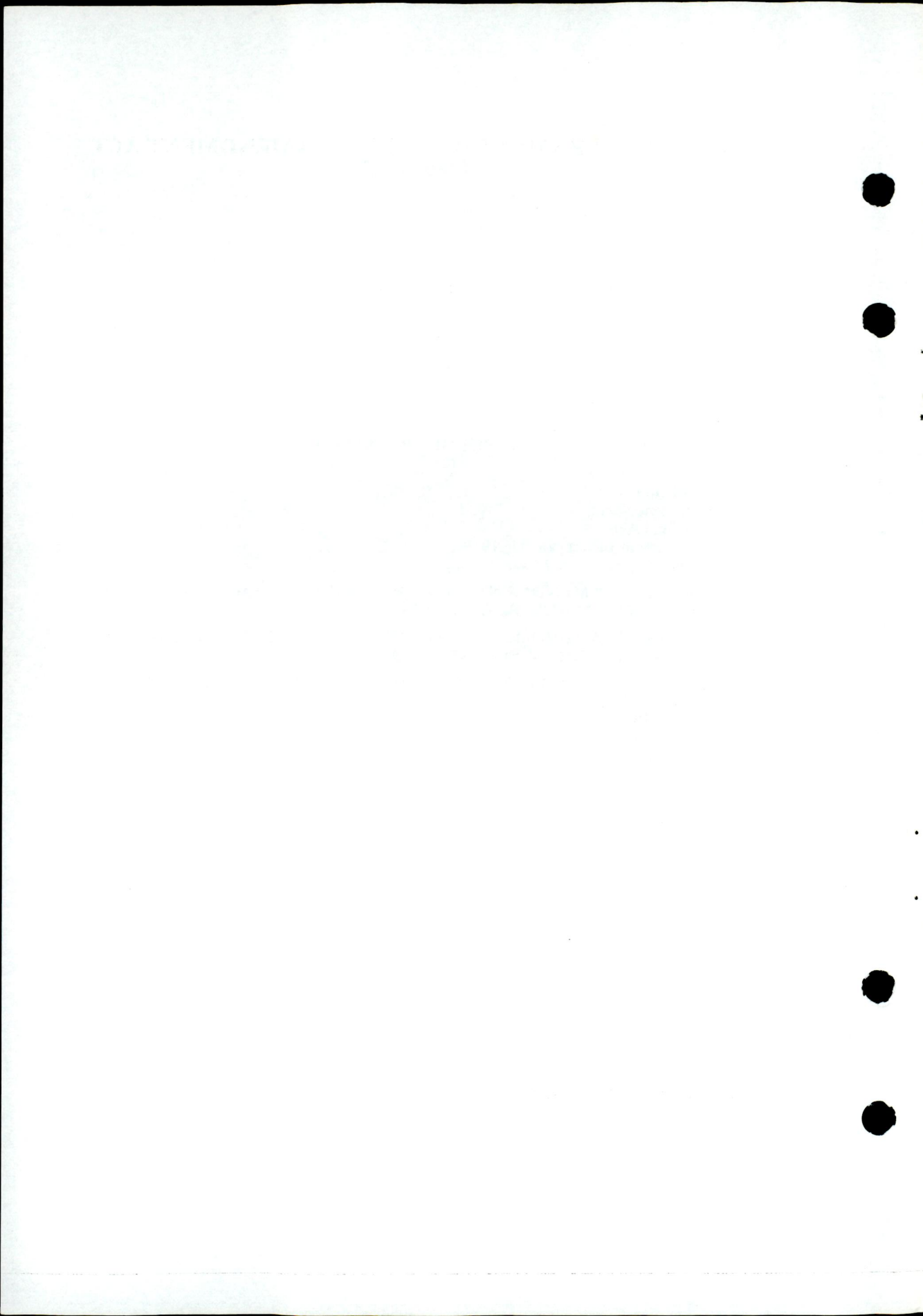
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 41, 1919
5. Saving

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT INCREASING
CERTAIN MAXIMUM PENALTIES TO \$2,000

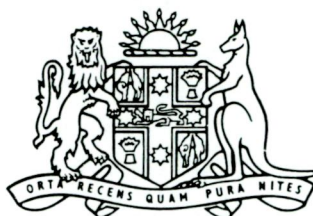
SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT INCREASING
CERTAIN MAXIMUM PENALTIES TO \$500

SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES FOR BREACHES OF CERTAIN ORDINANCES



LOCAL GOVERNMENT (PENALTIES) AMENDMENT ACT 1986
No. 2

NEW SOUTH WALES



Act No. 2, 1986

An Act to amend the Local Government Act 1919 so as to increase the maximum penalties for certain offences and for other purposes.
[Assented to 16 April 1986]

Local Government (Penalties) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Local Government (Penalties) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Local Government Act 1919 is referred to in this Act as the Principal Act.

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedules 1-3.

Saving

5. This Act does not repeal any Ordinance—

- (a) which was, immediately before the commencement of this Act, in force under the Principal Act; and
 - (b) which could be made under that Act, as amended by this Act.
-

Local Government (Penalties) Amendment 1986

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000

(1) Section 30A (7) (a)—

Omit “for each offence be liable to a penalty not exceeding two hundred dollars”, insert instead “be guilty of an offence under this Act”.

(2) Section 31 (2)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(3) Section 214 (3)—

Omit “forty dollars”, insert instead “\$2,000”.

(4) (a) Section 251A (7)—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

(b) Section 251A (11)—

Omit “upon summary conviction to imprisonment for a term not exceeding six months or to a penalty not exceeding one hundred dollars”, insert instead “to a term of imprisonment not exceeding six months, or a penalty not exceeding \$2,000”.

(5) Section 277A (6)—

Omit “\$1,000 in the case of a first offence or not exceeding \$2,000 in the case of a subsequent offence”, insert instead “\$2,000”.

(6) (a) Section 277B (3), (10)—

Omit “\$1,000 in the case of a first offence or \$2,000 in the case of a subsequent offence” wherever occurring, insert instead “\$2,000”.

(b) Section 277B (11)—

Omit “\$1,000 in the case of a first offence or \$2,000 in the case of any subsequent offence”, insert instead “\$2,000”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(7) (a) Section 317 (1)—

Omit “he shall be liable to a penalty not exceeding two hundred dollars and a further penalty not exceeding twenty dollars for each day during which such work is done after notice from the council”, insert instead “the person shall be guilty of an offence under this Act”.

(b) Section 317 (2)—

Omit “the recovery of any such penalty”, insert instead “an offence against this section”.

(8) Section 339 (1)—

Omit “liable to a penalty not exceeding two hundred dollars”, insert instead “guilty of an offence under this Act”.

(9) (a) Section 470 (4)—

Omit “liable to a penalty not exceeding forty dollars for a first offence and not exceeding one hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

(b) Section 470 (4), proviso—

Omit “liable”, insert instead “guilty”.

(10) Section 472 (3)—

Omit “liable to a penalty not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(11) Section 473 (5)—

Omit “he shall be liable to a penalty not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for any subsequent offence”, insert instead “, the owner or occupier, as the case may be, shall be guilty of an offence under this Act”.

(12) (a) Section 475G (1) (d)—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

(b) Section 475G (4)—

Omit “liable to a penalty not exceeding forty dollars for a first offence, and not exceeding one hundred dollars for any subsequent offence”, insert instead “guilty of an offence under this Act”.

(c) Section 475G (4), proviso—

Omit “liable” insert instead “guilty”.

(13) Section 475I—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

(14) Sections 512C, 512E (1)—

Omit “on summary conviction be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding twelve months” wherever occurring, insert instead “be liable to a term of imprisonment not exceeding twelve months, or a penalty not exceeding \$2,000”.

(15) Section 633 (1)—

Omit “two hundred dollars, and to a further daily penalty not exceeding ten dollars”, insert instead “\$2,000”.

Local Government (Penalties) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$2,000—*continued*

(16) (a) Section 634 (1)—

Omit “it or he is directed or required to do, it or he shall for every such offence be liable to a penalty not exceeding one hundred dollars”, insert instead “the council or member, as the case may be, is directed or required to do, the council or member shall be guilty of an offence under this Act”.

(b) Section 634 (2)—

Omit “he is directed or required to do, he shall for every such offence be liable to a penalty not exceeding ten dollars”, insert instead “the servant is directed or required to do, the servant shall be guilty of an offence under this Act”.

(17) Section 635—

Omit “liable to a penalty not exceeding one hundred dollars”, insert instead “guilty of an offence under this Act”.

SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500

(1) Section 160AA (14)—

After “Act”, insert “and shall be liable to a penalty not exceeding \$500”.

(2) Section 217—

Omit “twenty dollars”, insert instead “\$500”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500—*continued*

(3) Section 249B (2), (4)—

After “Act” wherever occurring, insert “and liable to a penalty not exceeding \$500”.

(4) Section 249C (3)—

Omit “three hundred dollars”, insert instead “\$500”.

(5) Section 251A (10)—

Omit “liable on summary conviction to a penalty not exceeding ten dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(6) Sections 270I, 270M (2)—

After “Act” wherever occurring, insert “and liable to a penalty not exceeding \$500”.

(7) Section 288A (8)—

Omit “liable to a penalty not exceeding ten dollars and to a further penalty not exceeding four dollars for each day on which the offence continues after conviction therefor”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(8) (a) Section 439 (1)—

Omit “liable to a penalty not exceeding ten dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(b) Section 439 (2)—

Omit “liable to a penalty not exceeding twenty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500—*continued*

(9) Section 440—

Omit “liable to a penalty not exceeding forty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(10) Section 441 (1)—

Omit “liable for every such offence to a penalty not exceeding forty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(11) Section 443—

Omit “, for every such offence, be liable to a penalty not exceeding twenty dollars”, insert instead “be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(12) Section 536DG—

Omit “every person so offending shall for every such refusal be liable to a penalty not exceeding one hundred dollars”, insert instead “the owner, lessee or occupier, as the case may be, shall be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(13) Section 636—

Omit “shall be liable to a penalty not exceeding twenty dollars”, insert instead “, as the case may be, shall be guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

(14) Section 642 (2)—

Omit “liable to a penalty not exceeding ten dollars for every day during the continuance of such non-compliance”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

Local Government (Penalties) Amendment 1986

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT INCREASING CERTAIN
MAXIMUM PENALTIES TO \$500—*continued*

(15) Section 644 (3)—

Omit “liable to a penalty not exceeding twenty dollars”, insert instead “guilty of an offence under this Act and liable to a penalty not exceeding \$500”.

SCHEDULE 3

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES FOR BREACHES OF CERTAIN ORDINANCES (Sec. 4)

(1) Section 576 (4) (a)—

Omit the paragraph, insert instead:

- (a) except as provided by subsection (5), impose a penalty not exceeding \$1,000 for any breach of the ordinance;

(2) Section 576 (4) (b)—

Omit the paragraph.

