

1993—No. 267

LOCAL GOVERNMENT ACT 1993—REGULATION

(Local Government (Penalty Notice Offences) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,
Minister for Local Government and Co-operatives.

Citation

1. This Regulation may be cited as the Local Government (Penalty Notice Offences) Regulation 1993.

Commencement

2. This Regulation commences on 1 July 1993.

Definitions

3. In this Regulation:

penalty notice means a notice served under section 679 of the Act;

the Act means the Local Government Act 1993.

Offences in respect of which penalty notices may be served

4. For the purposes of section 679 (1) of the Act, an offence specified in Column 1 of Schedule 1 is a prescribed offence.

Penalties for offences

5. For the purposes of section 679 (2) of the Act, the amount shown in Column 2 of Schedule 1 opposite an offence specified in Column 1 of that Schedule is the amount of penalty prescribed for the offence if dealt with under section 679.

Form of penalty notices

6. A penalty notice served under the Act is to be in the form in use by the Infringement Processing Bureau of the Police Service from time to time.

SCHEDULE 1

(Cl. 4 and 5)

<i>Column 1</i> Offence	<i>Column 2</i> Amount of penalty \$
Section 626 (3)—carry out without prior approval of council an activity specified in Part D (Community Land) of the Table to section 68	200
Section 626 (3)—carry out without prior approval of council an activity specified in Part E (Public Roads) of the Table to section 68	300
Section 626 (3)—carry out without prior approval of council an activity specified in item 7 of Part F (Other Activities) of the Table to section 68 (Use a standing vehicle or any article for the purpose of selling any article in a public place)	200
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in Part D (Community Land) of the Table to section 68, carry out that activity otherwise than in accordance with the terms of that approval	100
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in Part E (Public Roads) of the Table to section 68, carry out that activity otherwise than in accordance with the terms of that approval	200
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 7 of Part F (Other Activities) of the Table to section 68 (Use a standing vehicle or any article for the purpose of selling any article in a public place), carry out that activity otherwise than in accordance with the terms of that approval	100

Section 628 (1)—fail to comply with an order that is an order in the terms of order No. 7 in the Table to section 124 (To fence land)	300
Section 628 (1)—fail to comply with an order that is an order in the terms of order No. 8 in the Table to section 124 (To identify premises with such numbers or other identification in such manner as is specified in the order)	100
Section 628 (1)—fail to comply with an order that is an order in the terms of order No. 10 in the Table to section 124 (To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees)	300
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 18 in the Table to section 124 (Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order)	200
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 19 in the Table to section 124 (To use or not to use a tennis court as specified)	200
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 20 in the Table to section 124 (To do such things as are specified in the order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation or other handling or use of or in relation to food into a clean or sanitary condition)	300
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 21 in the Table to section 124 (To do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition)	300
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 22 in the Table to section 124 (To store, treat, process, collect, remove, dispose of or destroy waste (other than waste that is dealt with under the Waste Disposal Act 1970) which is on land or premises in the manner specified in the order)	300
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 23 in the Table to section 124 (To connect premises to the council's water supply by a specified date)	300
Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 24 in the Table to section 124 (To connect premises with a sewerage system by a specified date)	300

Section 628 (2)—fail to comply with an order that is an order in the terms of order No. 25 in the Table to section 124 (Not to use or permit the use of a human waste storage facility on premises after a specified date)	300
Section 628 (3)—fail to comply with an order that is an order in the terms of order No. 30 in the Table to section 124 (To comply with an approval concerning an activity specified in Part D (Community Land) of the Table to section 68)	100
Section 628 (3)—fail to comply with an order that is an order in the terms of order No. 30 in the Table to section 124 (To comply with an approval concerning an activity specified in Part E (Public Roads) of the Table to section 68)	200
Section 628 (3)—fail to comply with an order that is an order in the terms of order No. 30 in the Table to section 124 (To comply with an approval concerning an activity specified in item 7 of Part F (Other Activities) of the Table to section 68: Use a standing vehicle or any article for the purpose of selling any article in a public place)	100
Section 629 (2)—remove any plant or animal from public land	200
Section 630 (3)—break a bottle, glass, syringe or glass receptacle in a public bathing place under the control of the council, and not collect and remove all portions of the bottle, glass, syringe or glass receptacle either to a receptacle (if any) provided by the council for that purpose, or to a place beyond the public bathing place	200
Section 631—in a public bathing place under the control of the council, do any act which damages, defaces or pollutes the public bathing place or which is likely to damage, deface or pollute the public bathing place or anything relating to the public bathing place	200
Section 632 (1)—on public land or in a public bathing place under the control of a council, fail to comply with the terms of a notice erected by the council	100
Section 633 (1)—in a place being:	
(a) a public bathing place under the control of a council;	
(b) a river, watercourse or tidal or non-tidal water;	
(c) the sea adjacent to (although outside) an area;	
(d) a public place adjacent to any of those places, fail to comply with the terms of a notice erected by the council	100

Section 633 (2)—be in the nude in public view in a place (unless a notice erected by the council allows the use of the place (or part of the place) for the purposes of nude bathing) being:	
(a) a public bathing place under the control of a council;	
(b) a river, watercourse or tidal or non-tidal water;	
(c) the sea adjacent to (although outside) an area;	
(d) a public place adjacent to any of those places	100
Section 654—not at all times display in a conspicuous position a fire safety notice of the prescribed size and kind adjacent to a fire-isolated passageway, fire-isolated ramp or fire-isolated stairway	300
Section 657 (c)—fail to ensure that any notice required by the regulations to be displayed adjacent to any doorway providing access to a stairway, passageway or ramp serving as or forming part of a required exit is so displayed	300

NOTE

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Definitions
4. Offences in respect of which penalty notices may be served
5. Penalties for offences
6. Form of penalty notices

SCHEDULE 1

EXPLANATORY NOTE

A penalty notice is a notice alleging that the person on whom the notice is served has committed the offence identified in it. If the person does not wish to have the matter of his or her guilt determined by a court, the person may pay the penalty specified in the notice and will then not be liable for further proceedings in relation to the alleged offence. If the matter is dealt with by a court and the person is found to be guilty of the offence, the court has discretion to impose any penalty for the offence up to the maximum allowed by the Act creating the offence. The penalty specified in a penalty notice, however, is usually less than that maximum.

1993—No. 267

Section 679 (1) of the Local Government Act 1993 provides that penalty notices may be served in respect of offences prescribed by the regulations. The object of this Regulation is to prescribe certain offences created by that Act as offences in respect of which penalty notices may be served, to prescribe the penalties for those offences if dealt with by means of penalty notices and to prescribe the form the penalty notices are to take.

The Regulation is made under sections 679 and 748 of the Local Government Act 1993.
