

1993—No. 275

JUSTICES ACT 1902—REGULATION

(Justices (Short Descriptions of Local Government 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 Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD, M.L.C.,
Minister for Justice.

Citation

1. This Regulation may be cited as the Justices (Short Descriptions of Local Government Offences) Regulation 1993.

Commencement

2. This Regulation commences on 1 July 1993.

Short descriptions of offences

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out in Column 2 of that Schedule opposite that offence.

(2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule 1 in relation to an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(Cl. 3)

<i>Column 1</i>	<i>Column 2</i>
Offence under Local Government Act 1993	Prescribed expression
Section 626 (3)—carry out without prior approval of council an activity specified in item 1 of Part D (Community Land) of the Table to section 68 (Engage in a trade or business)	engage in trade/business without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 2 of Part D (Community Land) of the Table to section 68 (Direct or procure a theatrical, musical or other entertainment for the public)	direct/procure entertainment without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 3 of Part D (Community Land) of the Table to section 68 (Construct a temporary enclosure for the purpose of entertainment)	construct enclosure without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 4 of Part D (Community Land) of the Table to section 68 (For fee or reward, play a musical instrument or sing)	play instrument/sing for fee/reward without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 5 of Part D (Community Land) of the Table to section 68 (Set up, operate or use a loudspeaker or sound amplifying device)	set up/operate/use loudspeaker/amplifier without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 6 of Part D (Community Land) of the Table to section 68 (Deliver a public address or hold a religious service or public meeting)	deliver address/hold religious service/meeting without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 1 of Part E (Public Roads) of the Table to section 68 (Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway)	swing/hoist goods across/over road by lift/hoist/tackle without approval

Section 626 (3)—carry out without prior approval of council an activity specified in item 2 of Part E (Public Roads) of the Table to section 68 (Erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road)	erect structure over road/expose article/let article be exposed in/on/over road/at window/door/hang article under awning without approval
Section 626 (3)—carry out without prior approval of council an activity specified in item 3 of Part E (Public Roads) of the Table to section 68 (Extend a balcony, awning, sunblind, canopy, sun louvre or similar structure or an essential service pipe beyond a road alignment)	extend structure/pipe without approval
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)	use vehicle/article for selling without approval
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 1 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Engage in a trade or business)	engage in trade/business otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 2 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Direct or procure a theatrical, musical or other entertainment for the public)	direct/procure entertainment otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 3 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Construct a temporary enclosure for the purpose of entertainment)	construct enclosure otherwise than as approved

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Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 4 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (For fee or reward, play a musical instrument or sing)	play instrument/sing for fee/reward otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 5 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Set up, operate or use a loudspeaker or sound amplifying device)	set up/operate/use loudspeaker/amplifier otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 6 of Part D (Community Land) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Deliver a public address or hold a religious service or public meeting)	deliver address/hold religious service/meeting otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 1 of Part E (Public Roads) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway)	swing/hoist goods across/over road by lift/hoist/tackle otherwise than as approved
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 2 of Part E (Public Roads) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road)	erect structure over road/expose article/let article be exposed in/on/over road/at window/door/hang article under awning otherwise than as approved

Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 3 of Part E (Public Roads) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval (Extend a balcony, awning, sunblind, canopy, sun louvre or similar structure or an essential service pipe beyond a road alignment)	extend structure/pipe otherwise than as approved
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, carry out the activity otherwise than in accordance with the terms of that approval (Use a standing vehicle or any article for the purpose of selling any article in a public place)	use vehicle/article for selling otherwise than as approved
Section 628 (1)—fail to comply with an order given in terms of order No. 7 in the Table to section 124 (To fence land)	fail to comply with order to fence land
Section 628 (1)—fail to comply with an order given in 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)	fail to comply with order to identify premises
Section 628 (1)—fail to comply with an order given in 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)	fail to comply with order to remove/stack/cover articles/matter/erect fences/screens/plant trees
Section 628 (2)—fail to comply with an order given in 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)	fail to comply with order as to keeping of birds/animals
Section 628 (2)—fail to comply with an order given in terms of order No. 19 in the Table to section 124 (To use or not to use a tennis court as specified)	fail to comply with order as to use of tennis court
Section 628 (2)—fail to comply with an order given in 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)	fail to comply with order as to clean/sanitary conditions for food

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Section 628 (2)—fail to comply with an order given in 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 the land is, or premises are, placed or kept in a safe or healthy condition)	fail to comply with order as to safety/health of land/premises
Section 628 (2)—fail to comply with an order given in 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)	fail to comply with order as to waste
Section 628 (2)—fail to comply with an order given in terms of order No. 23 in the Table to section 124 (To connect premises to the council's water supply by a specified date)	fail to comply with order as to water connection
Section 628 (2)—fail to comply with an order given in terms of order No. 24 in the Table to section 124 (To connect premises with a sewerage system by a specified date)	fail to comply with order as to sewerage connection
Section 628 (2)—fail to comply with an order given in 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)	fail to comply with order as to human waste storage facility
Section 628 (3)—fail to comply with an order given in 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)	fail to comply with order to comply with approval (land)
Section 628 (3)—fail to comply with an order given in 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)	fail to comply with order to comply with approval (roads)
Section 628 (3)—fail to comply with an order given in 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)	fail to comply with order to comply with approval (selling)

Section 629 (2)—remove any plant or animal from public land	remove plant/animal
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	break bottle/glass/syringe/ glass receptacle in bathing place and not remove it
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	damage/deface/pollute bathing place/do act likely to damage/deface/pollute bathing place/thing relating to bathing place
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	fail to comply with notice on public land/in bathing place
Section 633 (1)—in place being:	
(a) a public bathing place under the control of a council;	fail to comply with notice in bathing place
(b) a river, watercourse or a tidal or non-tidal water;	fail to comply with notice in river/ watercourse/tidal/ non-tidal water
(c) the sea adjacent to (although outside) an area;	fail to comply with notice in sea
(d) a public place adjacent to any of those places, fail to comply with the terms of a notice erected by the council	fail to comply with notice near bathing place/river/watercourse/ tidal/non-tidal water/sea
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;	nude in bathing place
(b) a river, watercourse or tidal or non-tidal water;	nude in river/ watercourse/tidal/ non-tidal water
(c) the sea adjacent to (although outside) an area;	nude in sea
(d) a public place adjacent to any of those places	nude near bathing place/ river/watercourse/tidal/ non-tidal water/ sea

Section 642 (2)—after receiving a police warning under section 642 (1), commence to drink alcohol in an alcohol-free zone	commence to drink alcohol after warning
Section 642 (2)—after receiving a police warning under section 642 (1), fail to stop drinking alcohol in an alcohol-free zone	fail to stop drinking alcohol after warning
Section 642 (2)—after receiving a police warning under section 642 (1), resume drinking alcohol in an alcohol-free zone	resume drinking alcohol after warning
Section 650 (1), (2) (a)—park vehicle in a free parking area otherwise than as permitted by a notice or sign relating to the time during which the public may use the free parking area	stand vehicle in area when area closed to public
Section 650 (1), (2) (b)—park vehicle in a free parking area otherwise than as permitted by a notice or sign relating to the maximum period for which a vehicle may be parked in the free parking area (or in any part of the free parking area)	stand vehicle in area longer than allowed
Section 650 (1), (3)—park vehicle in a free parking area otherwise than as permitted by a notice or sign relating to the designation of a parking space within the free parking area as a space for the sole use of persons with disabilities	stand vehicle in disabled persons parking space without authority
Section 650 (4) (a)—cause vehicle to be parked in a free parking area otherwise than in a marked parking space	not stand vehicle in marked parking space
Section 650 (4) (b)—cause vehicle to be parked in a free parking area in a marked parking space in which another vehicle is parked	stand vehicle in occupied marked parking space
Section 650 (4) (c)—cause vehicle to be parked in a free parking area in a marked parking space so that it is not wholly within that space	not stand vehicle wholly in marked parking space
Section 650 (5)—fail to comply with direction of authorised person regarding parking of vehicle within a free parking area	fail to comply with parking direction
Section 650 (5)—fail to comply with direction of authorised person regarding movement of vehicle within a free parking area	fail to comply with vehicle movement direction

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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	not display fire safety notice near passage/ramp/stair
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	fail to ensure display of fire exit notice

NOTE**TABLE OF PROVISIONS**

1. Citation
2. Commencement
3. Short descriptions of offences

SCHEDULE 1

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences which may be dealt with by penalty notices under section 679 of the Local Government Act 1993 or section 18B of the Traffic Act 1909. (Penalty notices in respect of offences under section 650 of the Local Government Act 1993 (Use of council's free parking areas) will be served under the Traffic Act 1909, not the Local Government Act 1993.)

The Regulation comprises matters of a machinery nature.
