



New South Wales

Local Government (General) Amendment (Short Descriptions of Offences) Regulation 1998

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ERNIE PAGE. M.P.,

Minister for Local Government

Explanatory note

The object of this Regulation is to specify, in accordance with section 145B of the *Justices Act 1902*, the short descriptions of certain offences under the *Local Government Act 1993*.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and in accordance with section 145B of the *Justices Act 1902*.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Local Government (General) Amendment (Short Descriptions of Offences) Regulation 1998

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Short Descriptions of Offences) Regulation 1998*.

2 Amendment of Local Government (General) Regulation 1993

The *Local Government (General) Regulation 1993* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Part 2, heading

Omit the heading.

Insert instead **“Part 2 Penalty notice offences and short descriptions”****[2] Clause 4 Offences in respect of which penalty notices may be served**

Insert "but only if a penalty is specified in Column 3 of that Schedule in relation to the offence" after "a prescribed offence".

[3] Clause 5 Penalties for offences

Omit "Column 2". Insert instead "Column 3".

[4] Clause 5A

Insert after clause 5:

5A Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the Act specified in Column 1 of Schedule 1 is:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision of the Act specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

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- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

[5] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences and short descriptions

(Clauses 4, 5 and 5A)

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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	\$220
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	\$220
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	\$220

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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	\$220
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	\$220
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	\$220
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	\$330

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Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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 (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)	Expose article/let article be exposed in/on/over road/at window/door/hang article under awning without approval	\$330
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	\$220
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	\$110

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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	\$110
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	\$110
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	\$110

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Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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	\$110
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	\$110
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	\$220

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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 (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)	Expose article/let article be exposed in/on/over road/at window/door/hang article under awning otherwise than as approved	\$220
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	\$110
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	\$330
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	\$110

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Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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	\$330
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	\$220
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	\$220
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	\$330
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	\$330

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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 which is on land or premises in the manner specified in the order, provided that it is not inconsistent with the regulations made under the <i>Waste Minimisation and Management Act 1995</i> or the <i>Protection of the Environment Operations Act 1997</i>)	fail to comply with order as to waste	\$330
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	\$330
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 with a sewerage system by a specified date)	fail to comply with order as to sewerage connection	\$330
Section 638 (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	\$330
Section 628 (2)—fail to comply with an order given in terms of order No 27 in the Table to section 124 (To remove an object or matter from a public place or prevent any object or matter being deposited there)	fail to comply with order to remove object/matter from public place/ prevent deposit of object/matter in public place	\$220

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Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
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)	\$110
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)	\$220
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)	\$110
Section 629 (2)—remove any plant or animal from a public place	remove plant/animal	\$220
Section 630 (1)—without lawful excuse, break a bottle, glass, glass receptacle or syringe in a public place	break bottle/glass/syringe/ glass receptacle in public place	\$220

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
Section 630 (2)—throw, place, leave in a public place any bottle, glass, glass receptacle, syringe, broken glass or other matter or thing likely to endanger the safety of or cause injury to any person or animal or damage to any vehicle or property	throw/place/leave in public place matter/thing likely to endanger/injure person/animal/likely to damage vehicle/property	\$220
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	\$220
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	\$220
Section 632 (1)—in a public place within the area of a council, fail to comply with the terms of a notice erected by the council	fail to comply with notice in public place	\$110
Section 633 (1)—in a place being:		
(a) a public bathing place under the control of a council.	fail to comply with notice in bathing place	\$110

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Offence under Local Government Act 1993	Prescribed expression	Penalty
(b) a river, watercourse or tidal or non-tidal water,	fail to comply with notice in river/ watercourse/tidal/ non-tidal water	\$110
(c) the sea adjacent to (although outside) an area.	fail to comply with notice in sea	\$110
(d) a public place adjacent to any of those places.	fail to comply with notice near bathing place/river/watercourse/ tidal/non-tidal water/sea	\$110
fail to comply with the terms of a notice erected by the council		
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	\$110
(b) a river, watercourse or tidal or non-tidal water,	nude in river/ watercourse/tidal/ non-tidal water	\$110
(c) the sea adjacent to (although outside) an area,	nude in sea	\$110
(d) a public place adjacent to any of those places	nude near bathing place/ river/watercourse/tidal/ non-tidal water/sea	\$110
Section 637 (1)—wilfully or negligently wasting or misusing water from a public water supply	wilful/negligent waste or misuse of water	\$220
Section 642 (2)—after receiving a warning under section 642 (1), commence to drink alcohol in an alcohol-free zone	commence to drink alcohol after warning	\$20

Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	Penalty
Section 642 (2)—after receiving a warning under section 642 (1), fail to stop drinking alcohol in an alcohol-free zone	fail to stop drinking alcohol after warning	\$20
Section 642 (2)—after receiving a warning under section 642 (1), resume drinking alcohol in an alcohol-free zone	resume drinking alcohol after warning	\$20
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) (a)—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	—

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Column 1	Column 2	Column 3
Offence under Local Government Act 1993	Prescribed expression	
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	—

Note: The offences created by section 650 of the Act are prescribed as penalty notice offences under the *Motor Traffic Regulations 1935* (see Regulation 130A and Part 7 of Schedule K to those Regulations).