

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

NEW SOUTH WALES



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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.

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

(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:

(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.
