

[Act 2002 No 20]



New South Wales

Local Government Amendment (Graffiti) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* (*the Principal Act*) to enable a local council to carry out certain graffiti removal work on land without the agreement of the owner or occupier of that land if the graffiti concerned is visible and accessible from a public place.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 [3] inserts proposed Division 4 into Part 3 of Chapter 6 of the Principal Act. The proposed Division contains a new section (proposed section 67B) that provides that a local council may, without the agreement of the owner or occupier of any land, carry out graffiti removal work to property on that land if the graffiti concerned is visible from a public place. The graffiti removal work may only be carried out from a public place. The local council is to bear the cost of graffiti removal work and must pay compensation for any damage caused in carrying out the graffiti removal work. **Schedule 1 [3]** also moves certain provisions of the current section 67A (graffiti removal work carried out with the agreement of the owner or occupier of land) relating to the register of graffiti removal work into a new section (proposed section 67C).

Schedule 1 [1], [2] and [4]–[8] make consequential amendments.