

**TRAFFIC SAFETY (LIGHTS AND HOARDINGS)
ACT.**

Act No. 7, 1951.

**George VI.
No. 7, 1951.**

An Act to provide for the control of fires, lights, signs, hoardings, awnings and similar structures which interfere with railway, tramway, waterway or road traffic signals, or are or are likely to be a danger to traffic; and for purposes connected therewith.
[Assented to, 31st May, 1951.]

BE

BE it enacted by the King's Most Excellent Majesty, No. 7, 1954.
 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 :—

1. This Act may be cited as the "Traffic Safety (Lights and Hoardings) Act, 1951." Short title.

2. In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

"Public authority" means The Commissioner for Railways, The Commissioner for Road Transport and Tramways, The Commissioner for Main Roads, the Commissioner of Police, the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Board, the Maritime Services Board of New South Wales, a municipal, shire or county council and any other body, corporate or unincorporate, declared by the Minister by notification in the Gazette to be a public authority for the purposes of this Act.

3. (1) Where any fire, light, sign, hoarding, awning, blind affixed to an awning, or structure of the nature of a hoarding or an awning— Lights, signs, awnings, etc., interfering with traffic safety.

(a) obscures or makes difficult of observation or is likely to obscure or make difficult of observation or to be mistaken for any light, signal, sign, standard, navigation aid, notice, mark, indicator, appliance or device provided or installed for controlling, regulating, directing or aiding traffic upon any railway vested in or under the control of The Commissioner for Railways or upon any tramway vested in or under the control of The Commissioner for Road Transport and Tramways or upon any road or waterway; or

(b) causes or is likely to cause inconvenience, difficulty or danger in the use of any road,

the Minister may, upon the recommendation of a public authority, by notice in writing require any person, not being a public authority, by whom or on whose behalf or on

No. 7, 1954. on whose land any such fire, light, sign, hoarding, awning, blind affixed to an awning, or structure of the nature of a hoarding or an awning, is made, burnt, shown or erected to extinguish, screen, move, remove, or alter such fire, light, sign, hoarding, awning, blind affixed to an awning, or structure of the nature of a hoarding or an awning, within the time specified in such notice and in accordance with such directions as may be set forth in such notice.

Any person aggrieved by the decision of the Minister under this subsection may appeal to a District Court which shall have power to vary the notice given by the Minister in such manner as it sees fit with regard to the time specified in such notice.

(2) For the purposes of subsection one of this section a light, sign, hoarding, awning, or structure of the nature of a hoarding or an awning attached to or forming part of a building or structure shall be deemed to be on the land upon which the building or structure is erected.

(3) Any person who fails to comply with the requirements of any notice given to him under subsection one of this section shall be liable upon summary conviction to a penalty not exceeding one hundred pounds and to a further penalty not exceeding ten pounds for each day during which such failure continues.

Power of public authority to perform work.
cf. Act No. 44, 1946, s. 59.

4. (1) Where any person fails, wholly or in part, to comply with the requirements of any notice given to him under subsection one of section three of this Act the public authority, upon whose recommendation such notice has been given, shall have power by its officers, employees or agents to do all things which that person by his failure has omitted to do.

(2) Anything done by such public authority in pursuance of this section shall, so far as necessary, be deemed to have been duly authorised by the person who failed to comply with the requirements of any notice given to him under subsection one of section three of this Act.

(3) The public authority may recover, in any court of competent jurisdiction, as a debt due to it, from the person who so failed to comply with such requirements, the cost incurred by it in doing anything in pursuance of this section.

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5. (1) If any difference arises between any public authorities with respect to any fire, light, sign, hoarding, awning, blind affixed to an awning, or structure of the nature of a hoarding or an awning, made, burnt, shown or erected by or on behalf of any such public authority, and such fire, light, sign, hoarding, awning, blind affixed to an awning or structure of the nature of a hoarding or an awning, is of the character referred to in paragraph (a) or (b) of subsection one of section three of this Act, any such public authority may submit such difference to the Minister.

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Difference between public authorities as to lights, signs, awnings, etc., interfering with traffic safety.

(2) The Minister may thereupon give such directions as in the public interest and in the circumstances of the case seem to the Governor to be proper.

(3) Any directions under subsection two of this section shall be given effect to by the public authority to whom they are given.

6. (1) Where a District Court is satisfied, on application by any person, including a public authority, that, by reason of the operation of any provision of this Act, the performance or further performance of a contract or agreement in relation to any light, sign, hoarding, awning, blind affixed to an awning, or structure of the nature of a hoarding or an awning, and to which such person is a party, in accordance with the terms thereof, has become or is likely to become impossible or, so far as the applicant is concerned, has become or is likely to become inequitable or unduly onerous, such District Court may make an order cancelling or suspending the operation of the contract or agreement or may make such order as it thinks just varying the terms of the contract or agreement, or providing for the repayment, in whole or in part, of any amount paid in pursuance of the contract or agreement.

Contracts adjustment.

(2) The decision of the District Court upon any application under this section shall be final.

(3) The District Court shall have jurisdiction to hear and decide any application under this section and the provisions of the District Courts Act, 1912, as amended by subsequent Acts, shall with such modifications as may be necessary to give effect to this subsection, apply to and in respect of any such application and order made thereupon.

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Regulations.

7. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of the powers conferred by subsection one of this section the Governor may make regulations—

- (a) regulating or prohibiting lights or luminous or illuminated signs of or resembling any specified colour visible from any railway or tramway referred to in paragraph (a) of subsection one of section three of this Act or from any road or waterway;
- (b) prescribing the form of and the manner of service of notices under this Act.

(3) Any regulation may impose a penalty not exceeding fifty pounds for any breach thereof.

(4) A regulation may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class or subject matter.

(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

DIVIDING