

**LOCAL GOVERNMENT (TRAFFIC REGULATION)  
AMENDMENT ACT, 1980, No. 125**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 125, 1980.**

An Act to amend the Local Government Act, 1919, to make further provision with respect to the control and regulation of traffic on public roads. [Assented to, 27th November, 1980.]

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**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 (Traffic Regulation) Amendment Act, 1980".

Commence-      **2.** (1) This section and section 1 shall commence on the date  
ment.              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 in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment      **3.** The Local Government Act, 1919, is amended by omitting  
of Act No.      section 269A and by inserting instead the following section :—  
41, 1919.  
Sec. 269A.

Regulation  
of traffic  
on public  
roads.

269A. (1) In this section, a reference to—

(a) an authorisation under this section is a reference to—

(i) a consent of the Traffic Authority given under subsection (7);

(ii) an approval of the Minister given under subsection (10); or

(iii) a direction of the Minister given under subsection (12),

as the case may be, and includes a reference to any conditions as in force for the time being and attached to such a consent, approval or direction:

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- (b) controlling or regulating the use by traffic of a public road includes a reference to placing or maintaining, or causing or permitting to be placed or maintained, obstructions or barriers in a public road which prevent or restrict the passage of vehicles along, or the access by a particular route of vehicles to, the public road;
- (c) ceasing to control or regulate the use by traffic of a public road includes a reference to removing, or authorising the removal of, any obstructions or barriers placed in a public road;
- (d) a public road includes a reference to any part of a public road;
- (e) traffic includes a reference to a class of traffic; and
- (f) the Traffic Authority is a reference to the Traffic Authority of New South Wales.

(2) Nothing in this Act, except this section, authorises the council to control or regulate the use by traffic of a public road.

(3) The council may control or regulate the use by traffic of a public road if the council does so—

- (a) for the purpose of the exercise of its powers under section 226 (3), section 235 (1) (e), section 240 (1) (c) or (2) (a), section 242, section 249 (paragraph (k) excepted), section 250, section 251A (7) or (9), section 256, section 269 (3) or section 270H, except in such cases or classes of cases, if any, as may be prescribed in relation to any such power;
- (b) for the purpose of the prevention of injury to persons, or damage to property, on the public road for a period no longer than is necessary for that purpose;

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(c) in accordance with an authorisation under this section; or

(d) in such other cases or classes of cases, or in accordance with such conditions or other provisions, as may be prescribed, or in such other cases or classes of cases and in accordance with such conditions or other provisions as may be prescribed.

(4) The council shall not cease to control or regulate, in accordance with an authorisation under this section, the use by traffic of a public road otherwise than in accordance with an authorisation under this section.

(5) Not more than 6 months or less than 28 days before applying for a consent of the Traffic Authority under subsection (7), the council shall cause a notice, in or to the effect of the prescribed form, of its intention to apply for the consent to be published in the Gazette and in a newspaper.

(6) At any time within 28 days after the publication of the notice referred to in subsection (5) or, where the notice was published in the Gazette and in a newspaper on different days, at any time within 28 days after the later publication of the notice, any person may lodge with the council an objection in writing to the application referred to in the notice.

(7) The Traffic Authority, on application made to it by the council—

(a) may consent in writing to the council's controlling or regulating the use by traffic specified in the application of a public road so specified;

(b) may consent in writing to the council's varying an authorisation under this section; or

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- (c) may consent in writing to the council's ceasing to control or regulate the use by traffic of a public road pursuant to an authorisation under this section.

(8) An application under subsection (7) shall be accompanied by a copy of the notice published by the council under subsection (5) and, where any objections to the application have been lodged with the council under subsection (6), a copy of each such objection.

(9) A consent under subsection (7) may be given subject to such conditions as may be specified in the consent.

(10) If the Traffic Authority grants an application under subsection (7) subject to conditions with which the council is dissatisfied or refuses to grant such an application, the council may submit its application, together with any objections to the application lodged under subsection (6), to the Minister who, after such inquiry, if any, as he thinks fit and taking into consideration any representations with respect to the application made by the Traffic Authority, may, if in the public interest and the circumstances of the case he thinks it proper to do so—

- (a) give his approval in writing to the council's controlling or regulating the use by traffic specified in the application of a public road so specified;
- (b) give his approval in writing to the council's varying an authorisation under this section; or
- (c) give his approval in writing to the council's ceasing to control or regulate the use by traffic of a public road pursuant to an authorisation under this section.

(11) An approval under subsection (10) may be given subject to such conditions as may be specified in the approval.

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(12) Where, pursuant to anything done before, on or after the day appointed and notified under section 2 (2) of the Local Government (Traffic Regulation) Amendment Act, 1980, the council controls or regulates the use by traffic of a public road (whether or not the control or regulation is pursuant to an authorisation under this section), the Minister may, if in the public interest and the circumstances of the case he thinks it proper to do so, by order direct the council to take such action as may be specified in the order, subject to such conditions, if any, as may be so specified, so that the use by that traffic of that road will not be so controlled or regulated.

(13) If an order referred to in subsection (12) is not obeyed, the Minister may cause the order to be executed and may recover from the council, as a debt, in any court of competent jurisdiction, any costs and expenses incurred in the execution of the order.

(14) If the council controls or regulates the use by traffic of a public road otherwise than in accordance with or as permitted by this section or any other law, the Minister may take such action as he considers necessary to control or regulate that use or to remedy any breach committed by the council in connection with its control or regulation of that use, and may recover from the council, as a debt, in any court of competent jurisdiction, the costs and expenses of so doing.

**Savings.**

**4.** (1) Anything done, commenced to be done or omitted to be done under a provision of section 269A of the Local Government Act, 1919, as in force immediately before the day appointed and notified under section 2 (2) shall be deemed to have been done, commenced to be done or omitted to be done, as the case may require, under the provision of section 269A of that Act, as amended by this Act, which corresponds to that provision.

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(2) The reference in section 269A (3) (d) of the Local Government Act, 1919, as amended by this Act, to prescribed cases or classes of cases and prescribed conditions or other provisions shall be read and construed as if it included a reference to the provisions, as in force from time to time, of Ordinances Nos. 30D and 34 made under the Local Government Act, 1919.

(3) Nothing in this section limits or affects section 8 of the Interpretation Act, 1897.

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