

RECREATION VEHICLES (AMENDMENT) ACT 1988 No. 15

NEW SOUTH WALES



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RECREATION VEHICLES (AMENDMENT) ACT 1988 No. 15

NEW SOUTH WALES



Act No. 15, 1988

An Act to amend the Recreation Vehicles Act 1983 with respect to the control and regulation of recreation vehicle areas and the liability of their occupiers for loss or damage arising in certain circumstances; and for other purposes. [Assented to 21 June 1988]

Recreation Vehicles (Amendment) 1988

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Recreation Vehicles (Amendment) Act 1988.

Amendment of Recreation Vehicles Act 1983 No. 136

2. The Recreation Vehicles Act 1983 is amended as set out in Schedule 1.

Saving

3. A person who, immediately before the commencement of this Act, held office as an authorised officer for the purposes of the Recreation Vehicles Act 1983 shall be deemed to be an authorised officer appointed under section 6 of that Act, as amended by this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 3 (Arrangement)—

Omit the section.

(2) Section 6—

Omit the section, insert instead:

Appointment of authorised officers

6. (1) The Director may by instrument in writing appoint, as an authorised officer for the purposes of this Act, any person the Director considers suitably qualified to be so appointed.

(2) As many persons as the Director considers necessary may be appointed under this section.

(3) Section 7 (Identification certificates)—

After section 7 (3), insert:

(4) Such a certificate may, at the time it is issued and from time to time thereafter, be endorsed with provisions enlarging the area within which, but for those provisions, the authority of its holder would be confined by section 9.

(4) Section 9 (Functions of authorised officers)—

Section 9 (2), (3)—

Omit "An" wherever occurring, insert instead "Except as otherwise provided by the identification certificate of the officer, an".

SCHEDULE 1—AMENDMENTS—*continued*(5) Section 14 (**Rescission or variation of designation by Director**)—

Section 14 (2), (3)—

Omit section 14 (2), insert instead:

(2) If the Director is satisfied that—

- (a) any provision of this Act or the regulations, or any direction given under section 32A, has not been or is not being complied with by the occupier of land comprising a recreation vehicle area; and
- (b) as a result of that non-compliance, the safety of persons resorting to or using the area, or of the public, is endangered.

the Director may, by order published in the Gazette, rescind the order under section 11 (1) relating to that land.

(3) The Director shall, as soon as practicable after making an order under this section, cause notice of the making of the order to be served on the occupier of the land to which the order relates.

(6) Section 31 (**Use of motor vehicles on restricted land**)—

Section 31 (2)—

At the end of section 31, insert:

(2) This section does not—

- (a) affect rights conferred—
 - (i) by or under any other Act or law; or
 - (ii) by or under any covenant or agreement or by user; or
- (b) render any person liable to a penalty as a consequence of the exercise of a right so conferred.

(7) Section 32 (**Appeals**)—

(a) Section 32 (1), (3)—

Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.

(b) Section 32 (1) (a)—

Omit “or”.

(c) Section 32 (1) (b), (c)—

After section 32 (1) (b), insert:

; or

- (c) the rescission by the Director, under section 14 (2), of an order under section 11 (1) in respect of land comprising a recreation vehicle area of which the person is the occupier.

*Recreation Vehicles (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

(d) Section 32 (3)—

Omit “constituted by a stipendiary magistrate”.

(e) Section 32 (4)—

Omit the subsection, insert instead:

(4) The determination of the Local Court is final and is binding on the appellant and on the Commissioner or the Director, as the case may be.

(8) Section 32A—

Before section 33, insert:

Directions

32A. (1) The Director may, by notice in writing served on the occupier of a recreation vehicle area, give one or more directions to the occupier with respect to any one or more of the following:

- (a) notices and signs to be erected in the area;
- (b) regulating or prohibiting the conduct, by or on behalf of the occupier or with the consent of the occupier, of a sporting activity involving motor vehicles;
- (c) the demarcation of tracks and circuits;
- (d) any other matter which, in the opinion of the Director, is calculated to serve the interests of persons resorting to or using the area or of residents in the neighbourhood of the area or the public interest.

(2) A direction under this section takes effect on the day on which the notice by which it is given is served or, if a later day is specified for that purpose in the notice, on that later day.

(9) Section 39—

Omit the section, insert instead:

Liability of occupiers of recreation vehicle areas

39. (1) The occupier of a recreation vehicle area is not liable to any person in respect of loss or damage of any kind suffered by that person or any other person as a consequence of an accident involving a motor vehicle being driven in that recreation vehicle area, whether the accident occurs—

- (a) as a consequence of some act or omission of the occupier in relation to the area or any building, structure or work situated in the area; or
- (b) otherwise in circumstances that would, but for this section, render the occupier liable in respect of any such loss or damage.

SCHEDULE 1—AMENDMENTS—*continued*

- (2) This section does not operate so as—
- (a) to affect the liability of the occupier of a recreation vehicle area to any person in respect of loss or damage suffered by an authorised officer in the exercise, in good faith, of the functions conferred or imposed on the officer by or under this Act; or
 - (b) to exonerate such an occupier from liability for loss or damage suffered by any person as a consequence of any act or omission of the occupier that is—
 - (i) wilful and malicious; or
 - (ii) done or omitted with reckless indifference to the safety of persons resorting to or using the area or of the public.
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