

Act 1993 No. 33

ROADS BILL 1993*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Local Government Bill 1993.

The object of this Bill is to consolidate, within a single enactment, the provisions of the State Roads Act 1986, the Crown and Other Roads Act 1990, Part 9 of the Local Government Act 1919, the Public Gates Act 1901, the Width of Streets and Lanes Act 1902 and the Traffic Safety (Lights and Hoardings) Act 1951. Generally speaking, the Bill seeks to continue the effect of those provisions without any major change.

PART 1—PRELIMINARY

This Part (clauses 1–7) contains certain formal provisions together with a statement of the objects of the proposed Act (clause 3), statements of the rights of passage and access that attach to public roads (clauses 5 and 6) and provides for the establishment of certain roads authorities for the purposes of the proposed Act (clause 7).

PART 2—OPENING OF PUBLIC ROADS

This Part (clauses 8–17) provides for the various ways in which public roads may be opened (Division 1) and for the resolution of doubt as to whether certain old roads are public roads (Division 2).

PART 3—ROAD BOUNDARIES AND ROAD LEVELS

This Part (clauses 18–32) provides for the resolution of doubt as to the location of the boundaries of a particular public road (Division 1), for the widening of public roads by means of road widening orders (Division 2) and for the fixing and varying of road levels (Division 3).

* Amended in committee—see table at end of volume.

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PART 4—CLOSING OF PUBLIC ROADS

This Part (clauses 33–45) provides for the various ways in which a public road may be closed (Divisions 1–4) and for the disposal of land that has previously been a public road (Division 5).

PART 5—CLASSIFICATION OF ROADS

This Part (clauses 46–70) provides for the classification of roads (Division 1), requires there to be consultation with the various roads authorities before a road is classified (Division 2), distributes certain functions between the RTA and the other roads authorities (Division 3) and makes provision for the restriction of access between freeways and controlled access roads and adjoining land (Division 4).

PART 6—ROAD WORK

This Part (clauses 71–90) confers road making functions on the various roads authorities (Division 1), contains special provisions with respect to the construction of bridges and tunnels across navigable waters (Division 2) and makes provision for certain matters incidental to road making (Division 3).

PART 7—PROTECTION OF PUBLIC ROADS AND TRAFFIC

This Part (clauses 91–113) enables a roads authority to take certain action to protect public roads from damage (Division 1), to ensure the removal of traffic hazards in the vicinity of a public road (Division 2) and to ensure the removal of obstructions and encroachments on public roads (Division 3). The Part also contains provisions regulating the maximum weights of vehicles and their loads and providing for the payment of excess weight charges to be applied to the maintenance of public roads (Division 4).

PART 8—REGULATION OF TRAFFIC BY ROADS AUTHORITIES

This Part (clauses 114–124) gives limited powers to a roads authority to regulate traffic (Division 1), allows the RTA to consent to a roads authority exercising additional traffic regulating functions (Division 2), enables the Minister to compel roads authorities to exercise their traffic regulating functions in a particular manner (Division 3) and makes provision for certain matters incidental to the regulation of traffic (Division 4).

PART 9—REGULATION OF WORKS, STRUCTURES AND ACTIVITIES

This Part (clauses 125–144) enables a roads authority to grant approval for the use of footways for the purposes of a restaurant (Division 1), to grant permits for the erection of gates across public roads (Division 2), to consent to the carrying out of works and the erection of structures on public roads (Division 3) and to grant permits for certain road events (Division 4).

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PART 10—OTHER ROAD MANAGEMENT FUNCTIONS

This Part (clauses 145–163) restricts the power of a roads authority to dispose of public roads (Division 1), provides for the granting of short-term leases over unused public roads and portions of public roads (Division 2), confers certain additional powers on the RTA with respect to land (Division 3) and makes provision for the naming of roads and the keeping of records (Division 4).

PART 11—ENTRY TO LAND AND OTHER POWERS

This Part (clauses 164–176) empowers certain persons to enter private land for the purposes of the proposed Act (Division 1) and empowers a roads authority to make use of certain vacant land while constructing or repairing a public road (Division 2).

PART 12—ACQUISITION OF LAND

This Part (clauses 177–206) provides for the acquisition of land generally by roads authorities (Division 1), for the acquisition of land for the purposes of a public road on the application of a private landowner (Division 2), for the acquisition of land for the purposes of road widening (Division 3) and for the payment of compensation by the Crown to councils when public roads are compulsorily acquired (Division 4).

PART 13—FINANCE

This Part (clauses 207–227) provides for the granting of financial assistance to roads authorities (Division 1), for the imposition of tolls and charges for tollways, bridges, tunnels and road-ferries (Division 2), for the recovery by roads authorities of certain costs incurred for the provision of kerbing and guttering (Division 3), for the payment by roads authorities to the RTA of certain costs incurred by the RTA in carrying out works on public roads (Division 4) and for the payment of compensation and other miscellaneous financial matters (Division 5).

PART 14—ENFORCEMENT OF ACT

This Part (clauses 228–250) provides for the production of certain information (Division 1), provides for the enforcement of the excess weight restrictions imposed by Division 4 of Part 7 (Division 2), provides for the enforcement of certain directions under the proposed Act (Division 3), creates miscellaneous offences (Division 4), provides for the taking of legal proceedings, both criminal and civil, and the issuing of penalty notices (Division 5) and provides for certain evidentiary matters (Division 6).

PART 15—ADMINISTRATION

This Part (clauses 251–261) contains a miscellany of provisions relevant to the administration of the Act, including provisions for the appointment of authorised officers (clause 251), for the service of documents (clauses 254 and 255), for the retrospective correction of mistakes in instruments published under the proposed Act (clause 257), the reference of certain matters to local land boards (clause 260) and the resolution of disputes between public authorities (clause 261).

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PART 16—MISCELLANEOUS

This Part (clauses 262–268) contains a miscellany of provisions of a machinery nature, including provisions to ensure that the proposed Act binds the Crown (clause 262), to enable the making of regulations (clause 264), to repeal legislation (clause 265) and to require the proposed Act to be reviewed within 5 years of its assent (clause 268).

SCHEDULE I—AMENDMENT OF OTHER ACTS

This Schedule amends other Acts as a consequence of the enactment of the proposed Act.

SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

This Schedule enacts savings, transitional and other provisions as a consequence of the enactment of the proposed Act.

DICTIONARY

This Dictionary defines certain words and expressions that are used in the proposed Act.
