

RECREATION VEHICLES (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Recreation Vehicles Act 1983 in relation to the control and regulation of recreation vehicle areas, the liability of their occupiers, the appointment of authorised officers and other matters.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 3 is a saving of the office of any person who is currently an authorised officer for the purposes of the Principal Act. (This is necessary as a consequence of the amendment made by Schedule 1 (2)).

SCHEDULE 1—AMENDMENTS

Repeal of section 3 (Arrangement)

Schedule 1 (1) repeals section 3 of the Principal Act by way of statute law revision.

Substitution of section 6 (Appointment of authorised officers)

Schedule 1 (2) substitutes section 6 of the Principal Act. Under the substituted section, the Director of the State Pollution Control Commission can appoint as an authorised officer anyone the Director considers qualified to be one. Previously, appointments were limited to officers of public authorities.

Amendment of section 9 (Functions of authorised officers)

Schedule 1 (4) amends section 9 of the Principal Act to allow the Director, in a particular case, to grant a wider authority to an authorised officer than would otherwise be allowed under that section. At present the functions of an authorised officer who is a servant of a council or an officer of a public authority may only be exercised on land owned or controlled by the council or public authority. The amendment contemplates endorsement of the wider authority on the officer's identification certificate.

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Schedule 1 (3) amends section 7 of the Principal Act as a consequence of the amendment made by Schedule 1 (4).

Amendment of section 14 (Rescission or variation of designation by Director)

Schedule 1 (5) amends section 14 of the Principal Act to enable the Director to rescind the designation of land as a recreation vehicle area in any case where the Director is satisfied that the Principal Act or regulations, or directions under proposed section 32A of the Principal Act, are not being complied with, to the detriment of the safety of persons going to the area or the public.

Amendment of section 31 (Use of motor vehicles on restricted land)

Schedule 1 (6) amends section 31 of the Principal Act, which prohibits the driving of a motor vehicle on land against the express wishes of the occupier. The purpose of the amendment is to put beyond doubt the fact that the section was not intended to be a shield for the occupier against persons having some lawful right to enter the land otherwise than by invitation.

Amendment of section 32 (Appeals)

Schedule 1 (7) (b) and (c) amend section 32 of the Principal Act to provide a right of appeal against action taken by the Director under proposed section 14 (2) of the Principal Act. The section is otherwise amended by **Schedule 1 (7) (a), (d) and (e)** by way of statute law revision (references to a court of petty sessions being replaced by references to a Local Court).

New section 32A (Directions)

Schedule 1 (8) inserts a new section 32A into the Principal Act, providing for the giving of directions by the Director to occupiers of recreation vehicle areas. The directions relate to matters calculated to safeguard the safety and amenity of persons who go to or live near such an area and of the public.

Substitution of section 39 (Liability of occupiers of recreation vehicle areas)

Schedule 1 (9) substitutes section 39 of the Principal Act. The old section provided occupiers of recreation vehicle areas with immunity from liability in respect of loss and damage caused by a motor vehicle accident happening in the area, but only if the occupier was a public authority. The new section extends this immunity to all occupiers, public or private.
