



NORTHERN TERRITORY OF AUSTRALIA

No. 16 of 1995

AN ACT

to amend the *Control of Roads Act*

[Assented to 26 June 1995]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Control of Roads Amendment Act 1995*.

2. POWER TO FORM, MAINTAIN, DRAIN, &c., ROADS

Section 8(1) of the *Control of Roads Act* is amended by omitting "and fences" and substituting "and fences, erect or build, or cause to be erected or built, a house or other building, verandah, structure or road side facility on or at the side of a road".

3. HOUSES AND OTHER OBSTRUCTIONS ON ROADS

Section 59 of the *Control of Roads Act* is amended -

- (a) by omitting "A person" and substituting "(1) Subject to this section, a person";
- (b) by omitting from paragraph (a) "verandah wall" and substituting "verandah, wall"; and

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(c) by adding at the end the following:

"(2) Notwithstanding subsection (1), a person may do an act prohibited by that subsection where the act is done in accordance with the permission of the Minister given under this section.

"(3) For the purposes of this section, the Minister may, by notice in writing and on payment by a person of such fees and charges as the Minister determines, give permission to the person to do an act prohibited by subsection (1).

"(4) permission given under this section may be subject to such conditions, including the giving of indemnities, as the Minister thinks fit and specifies in the notice.

"(5) The Minister may revoke a permission given under this section by notice in writing to the person to whom the permission was given, and the permission shall be revoked at the expiration of 6 months after the date the notice was given.

"(6) Where a permission is revoked under subsection (5), the person shall remove the house, building, verandah, wall, fence, structure or obstruction erected or built on or at the side of the road or remove or restore the drain, gutter, sink, watercourse made, filled up or obstructed in, across or at the side of the road, as the case may be, in accordance with the directions, if any, of the Minister.

"(7) If a person fails to comply with subsection (6), section 9(3) shall apply as if permission under this section had never been given and the house, building, verandah, fence, structure or obstruction was erected or built, or the ditch, drain, gutter, sink or watercourse was made, filled up or obstructed, as the case may be, in contravention of this Act.

"(8) Where a permission is revoked under this section, the person to whom the permission was given is not entitled to any compensation for any loss sustained in respect of or as a consequence of the revocation or for any costs incurred in respect of the removal or demolition of the house, building, verandah, wall, fence, structure or obstruction or the removal or restoration of the ditch, drain, gutter, sink or watercourse."
