

Serial 142
Control of Roads Amendment Bill 2010
Mr McCarthy

A Bill for an Act to amend the *Control of Roads Act*

NORTHERN TERRITORY OF AUSTRALIA
CONTROL OF ROADS AMENDMENT ACT 2010

Act No. [] of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2010

An Act to amend the *Control of Roads Act*

[Assented to [] 2010]
[Second reading [] 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Control of Roads Amendment Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Control of Roads Act*.

4 Section 4 repealed

Section 4
repeal

5 Section 7B replaced

Section 7B

repeal, insert

7B Delegation

The Minister may delegate any of the Minister's functions and powers under this Act.

6 Sections 11 and 11A replaced

Sections 11 and 11A

repeal, insert

11 Minister may close road temporarily or restrict use of road

- (1) The Minister may, if he or she considers it appropriate:
 - (a) close a road; or
 - (b) do any of the following in relation to the road:
 - (i) restrict the use of the road to vehicles that do not exceed a specified mass;
 - (ii) restrict the use of the road to a specified class of vehicles;
 - (iii) impose other restrictions on the use or manner of use of the road as the Minister considers appropriate.
- (2) A closure of a road, or a restriction on the use of the road, under subsection (1) is effected by:
 - (a) to the extent it is reasonably practicable – causing signs to be displayed in a prominent place at the approaches to the road to which the closure or restriction relates, or erecting fences or barriers on or across the road; and
 - (b) by giving notice of the closure or restriction in accordance with subsection (4) before, or as soon as reasonably practicable after, the closure or restriction.
- (3) If the Minister is satisfied the closure of a road or restriction on the use of the road is no longer required, the Minister must cause the removal of any signs, fences or barriers and give notice of the revocation of the closure or restriction in accordance with subsection (4).

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- (4) A notice for this section may be given in the following ways:
- (a) by *Gazette* notice;
 - (b) by notice in a newspaper circulating in the region in which the road is located;
 - (c) by publication on a website maintained by the Department and promoted to the public as a resource for accessing road closure and road condition information;
 - (d) by recorded message accessed by telephone using a telephone number promoted to the public as a resource for accessing road closure and road condition information;
 - (e) by radio or television broadcast in the region in which the road is located.

- (5) A person must not drive a vehicle, or cause or permit a vehicle to be driven, on a road that is closed under this section.

Maximum penalty: 100 penalty units.

- (6) A person must not drive a vehicle, or cause or permit a vehicle to be driven, on a road that is subject to a restriction under this section while in contravention of the restriction.

Maximum penalty: 100 penalty units.

- (7) It is a defence to a prosecution for an offence against subsection (5) or (6) if the person establishes a reasonable excuse.

- (8) Without limiting subsection (7), it is a reasonable excuse if the person has consent from the competent authority for the road:

- (a) to use a road that is closed under this section; or
- (b) to use a road subject to a restriction under this section without complying with the restriction.

- (9) In this section:

competent authority, for a road, means the person, body or authority (including the Territory) having the care, control and management of the road.

road includes part of a road.

vehicle, see section 3(1) of the *Traffic Act*.

Note

*The definition of **vehicle** in the Traffic Act includes a wide range of types of transportation. This means the prohibitions in subsections (5) and (6) apply, for example, to riding a bicycle, and to riding or droving animals.*

7 Section 31 amended

Section 31, at the end

insert

Note for section 31

See section 16 for agreement to exchange.

8 New section 31A

After section 31

insert

31A Compensation

- (1) This section applies to:
 - (a) a person who has an estate or interest in land, or a part of land, at the time a section 31 order relating to the land is published; or
 - (b) a person who had an estate or interest in land, or a part of land, at the time a section 31 order relating to the land was published before the commencement.
- (2) It is declared that:
 - (a) after the section 31 order is published, the person mentioned in subsection (1)(a) has a right to apply to;
 - (b) after the section 31 order was published, the person mentioned in subsection (1)(b) always had a right to apply to;

the Tribunal to determine an amount payable to the person as compensation, on just terms, for the person's estate or interest in the land, or the part of the land, taken as mentioned in section 31.
- (3) The Tribunal may hear and determine the following:
 - (a) an application under subsection (2);

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- (b) an application by a person for leave to serve a notice under section 31 after 12 months from the date of publishing of the section 31 order relating to land, or part of land, in relation to which the person had an estate or interest at the time of publishing.
- (4) A person may not apply under subsection (2) or (3)(b) if the person, in writing, agrees or, before the commencement, agreed, to an amount of compensation in relation to the estate or interest in the land or the part of the land taken.
- (5) For dealing with an application under subsection (2) or (3)(b), the Tribunal must adopt procedures it considers appropriate in all the circumstances including, for example, procedures under the *Lands Acquisition Act* (with or without changes).
- (6) However for an application under subsection (2), the Tribunal must hold a directions hearing within 28 days after the date of the application.
- (7) This section, including the fact that an application is made under subsection (2) or (3)(b), does not prevent a person to whom this section applies from making an agreement with the Minister about the person's estate or interest in land, or a part of land, that is or was the subject of a section 31 order.
- (8) If an agreement as mentioned in subsection (7) is made, the person who made the agreement with the Minister must withdraw any application made under subsection (2) or (3)(b).
- (9) In this section:

commencement means the commencement of this section.

published, in relation to a section 31 order (including a section 31 order made before the commencement) means published in the *Gazette*.

section 31 order means an order, as mentioned in section 31, by which a road or a part of a road is to be opened, altered or added to.

Tribunal means the Lands, Planning and Mining Tribunal established by section 4 of the *Lands, Planning and Mining Tribunal Act*.

9 Section 60 repealed

Section 60

repeal

10 Schedule 1 repealed

Schedule 1

repeal

11 Act further amended

The Schedule has effect.

Schedule Act further amended

section 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	Part I	Part 1 Preliminary matters
section 5(1)	, unless the contrary intention appears	
section 5(1), definition <i>road</i> , paragraph (a)	; and	; or
section 5(1), definition <i>road</i> , paragraph (c)(i), (ii) and (iii), at the end		or
section 5(1), definition <i>Surveyor-General</i>	whole definition	<i>Surveyor-General</i> , see section 4 of the <i>Licensed Surveyors Act</i> .
section 5(1), definition <i>width</i> , paragraphs (a)(i) and (b)	; and	; or
section 5(1), definition <i>width</i> , paragraph (a)(ii), at the end		or
section 5(2)	In Parts III and IV	For Parts 3 and 4
Part II, heading	Part II	Part 2
section 7, heading	, &c.,	etc.
Part III, heading	Part III	Part 3
section 8, heading	, &c.,	etc.
section 9, heading	, &c.	etc.
section 9(2)	shall not be	is not

section 9(3)(a), at the end		and
section 9(3)(c)	there,	there;
section 10, heading	, &c. ,	etc.
section 10(1) and (2)	Where	If
section 12, heading	&c., to be erected to prevent drift sand, &c.	wall or other structure to be erected for prevention of certain hazards
section 12(1) and (2)	Where	If
section 13, heading	, &c.	and other activities
section 13(1)	all words from "his" to "authorizing"	his or her absolute discretion and subject to such conditions as the Minister sees fit, may grant a licence to a person, authorising
section 13(1)(a) and (b), at the end		or
section 13(2)(a), after "his"		or her
section 13(3)	Where	If
section 14, heading	, &c.	and remove trees or other growing things
section 14(b)(ii)	road,	road;
section 14	workmen	workers
Part IV, heading	Part IV	Part 4
section 14A, heading	Definitions	Definition
section 14	Part, <i>proposal</i>	Part: <i>proposal</i>
section 15	Notwithstanding	Despite

section 15(a) to (e), at the end		and
section 16(1)	Where shall	If will
section 16(3)	(3) In this section, <i>compensation</i>	(2) In this section: <i>compensation</i>
section 17, heading	, &c.,	etc.
section 17(1)	When shall furnish to	If must give
section 17(2)	referred to all words from "shall" to "thereto"	mentioned , as soon as practicable after the approval, must deposit with the Surveyor-General the plan showing the proposal and amendments
section 18	Where he shall	If the Surveyor-General must
section 20	referred to	mentioned
section 22(1)	all words from "shall determine" to "shall be"	must determine whether or not the proposal will proceed or an amendment to the proposal must be
section 22(2)	the Minister shall	, the Minister must
section 22(2)(b)(i)	thereto	
section 22A(1)	where was	if were
section 22A(2)	Where shall	If must

section 22A(3)	Where he	If the Minister
section 23(b)(i), at the end		and
section 24(1)	Where Act, shall	If Act; will
section 24(1) and (1)(d)	his	the person's
section 24(2)	Where all words from "notice" to "that he"	If written notice to all the persons holding the parcels that the Minister
section 24(3)	shall be in writing and shall he	under subsection (2) must the Minister
section 24(4)	Where all words from "shall" to "in his"	If must invite each such person to tender for an estate in that land of like nature to the estate held by the person in the person's
section 24(5)	all words from "notices he shall" to "tender he shall"	notices, the Minister must accept the tender but, if he or she receives more than one tender, the Minister must
section 24(6), after "his"		or her
section 25(b)	of,	of;
section 25	all words from "shall" to "be subject"	becomes Crown lands and is subject

section 26	all words from "pursuant to" to "as he"	under this Act must be subject to such reservations as the Minister
section 27(1)	Where shall	If must
section 27(3)	shall be	is
section 27(4)	shall register shall endorse upon	must register must endorse on
section 28, heading	, &c.,	etc.
section 28	Where pursuant to shall	If under must
section 29, heading	, &c.	etc.
section 29(1)	all words from "pursuant" to "shall"	under this Act, the Registrar-General must
section 29(2)	he	the Registrar-General
section 29(3)	shall Penalty:	must Maximum penalty:
section 30	shall	must
section 32(1)	Notwithstanding	Despite
section 32(2)	shall be not	must not be
section 32(3)	referred to in the order shall be Crown lands and shall be	mentioned in the order is Crown lands and is
section 32(4)	shall	must
section 34	Where shall	If must
section 35, heading	, &c., to be roads, &c.	etc. to be roads
section 35(1)	Where	If

section 36	notwithstanding	despite
Part VI, heading	whole heading	Part 6 Preliminary matters
section 51, heading	, &c.,	etc.
section 51	shall	must
	Penalty:	Maximum penalty:
section 52, heading	Vehicles, &c.,	Vehicle or object
section 52(1)	shall	must
section 52(1)(a), at the end		and
section 52(1)	Penalty:	Maximum penalty:
section 52(2)	shall be	is
section 52(2)(a)	his	the defendant's
section 52(2)(a)(ii)	efficiently,	efficiently;
section 52(2)(a)	him	the defendant
section 52(2)(b)	all words from "he thereupon" to "him"	the defendant then took all reasonable steps
section 53	Notwithstanding	Despite
section 54	shall not	must not do any of the following
section 54(d)	; or	;
section 54	Penalty:	Maximum penalty:
section 55, heading	Vehicles, &c., not to stop	Person not to stop vehicle etc.
section 55	shall	must
	Penalty:	Maximum penalty:
section 56, heading	, &c.,	etc.

section 56	Where he shall Penalty:	If the person must Maximum penalty:
section 57, heading	, &c., , &c.	etc. etc.
section 57	shall Penalty:	must Maximum penalty:
section 58	shall not	must not do any of the following
section 58(c)	; or	;
section 58(d)	road,	road;
section 58	he Penalty:	the person Maximum penalty:
section 59(1)	shall not	must not do any of the following
section 59(1)(c)	; or	;
section 59(1)	Penalty:	Maximum penalty:
section 59(2)	Notwithstanding where	Despite if
section 59(5)	shall be	is
section 59(6)	Where shall	If must
section 59(7)	shall apply	applies
section 59(8)	Where	If
section 60A	shall Penalty:	must Maximum penalty:
section 61(1)	where shall each be	if are each

section 61(2)	referred to his	mentioned the owner's
section 61(3)(b)(ii)	his he	the officer's the person
section 62	all words from ", not inconsistent" to "giving effect to"	under