

TASMANIA

**ROADS AND JETTIES AMENDMENT BILL
2003**

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ROADS AND JETTIES AMENDMENT BILL 2003

*(Brought in by the Minister for Infrastructure, the
Honourable James Glennister Cox)*

A BILL FOR

An Act to amend the *Roads and Jetties Act 1935*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Roads and Jetties Amendment Act 2003*.

Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

Principal Act

3. In this Act, the *Roads and Jetties Act 1935** is referred to as the Principal Act.

*No. 82 of 1935

Section 16 amended (Works in highways)

4. Section 16 of the Principal Act is amended by inserting after subsection (4) the following subsections:

(5) If a person is erecting or placing or has erected or placed a structure, or is doing or has done other works, in a State highway or subsidiary road without the consent of the Minister under subsection (1) or in contravention of any condition to which such consent is subject, the Minister may do one or more of the following:

- (a) by written notice provided to the person, require the person to cease erecting or placing the structure or doing the other works;
- (b) by written notice provided to the person, require the person to remove the structure or that part of the structure that has been erected or placed or undo the other works;
- (c) by written notice provided to the person, require the person to take all action necessary to restore the State highway or subsidiary road to the condition it was in before the person erected or placed, or started erecting or placing, the structure or did or started doing the other works;
- (d) take all action necessary to restore the State highway or subsidiary road to the condition it was in before the person erected or placed, or started erecting or placing, the structure or did or started doing the other works.

(6) A person must comply with a requirement made under subsection (5) within the time specified in the notice referred to in that subsection or such further time as the Minister may allow.

Penalty: Fine not exceeding 10 penalty units.

(7) If the Minister takes any action under subsection (5)(d), the Minister by written notice provided to the person who is erecting or placing or has erected or placed a structure, or is doing or has done other works, in a State highway or subsidiary road may require the person to pay the reasonable costs of that action, and those costs –

- (a) are a debt due and payable to the Crown; and
- (b) may be recovered in a court of competent jurisdiction.

(8) A reference in this section to a structure includes a reference to a sign or banner, whether fixed or movable.