

DRAFT SECOND READING SPEECH

HON JEREMY ROCKLIFF MP

Roads and Jetties Amendment (Validation) Bill 2019

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Madam Speaker, I move that the Bill now be read a second time.

This Bill ensures the validity of licences issued under current and previous versions of the *Roads and Jetties Act 1935* in respect of access to limited access roads, and reduces the administrative 'red tape' associated with the issue of licences and with the notification of amendments and revocations of proclamations of limited access.

Part IV A of the *Roads and Jetties Act* was inserted into the Act in 1957 to allow for certain roads to be declared as limited access roads. It was introduced in an effort to reduce degradation of highways from multiple access points which required the construction of new sections of highways to maintain safety and efficiency. It is an important tool in the protection of new sections of road.

The effect of a declaration of limited access is twofold. Firstly, it facilitates the road user's right to safe and reasonable unrestricted travel and, secondly, it acknowledges the abutting landowner's right to be given reasonable access to their property by providing compensation for any loss of that common law right of access. Any agreed private access to a declared limited access road is issued with a conditional licence; conditional in that the licence includes the land the access serves, the location and use of the access, together with other applicable conditions. Such a licence may be issued as full or partial compensation. There are provisions in the Act that allow for a variation to the conditions of a licence, providing that such a variation of use will not have an adverse effect on the declared limited access road.

The original 1957 provisions did not allow for a licence to be issued to a subsequent owner unless the licence specified that it could, however this had the potential to effectively leave land without any legal access to a road.

Madam Speaker, a 1994 amendment to the Act included a provision that allowed a subsequent owner of land subject to limited access to apply for a licence to allow the continued legal use of the property access.

It later became apparent that, due to the absence of a transitional clause to ensure the ongoing validity of licences issued prior to the 1994 amendment, any licence issued after that amendment as a reissue of a licence that had been issued prior to the amendment would appear to be invalid.

The Act also does not currently recognise any licence other than those issued on roads declared limited access after the coming into effect of the 1994 amendment.

Several other associated minor amendments are needed to avoid misinterpretation of the Act and to allow the present procedures in relation to licences to continue without risk of legal argument. This includes ensuring that a licence clearly relates specifically to the land title or titles it serves, rather than to the owner of the land.

Limited access is an essential component in maintaining the integrity and safety of key highways. The current situation with respect to licences means, however, that unless the Act is amended, an existing or new owner may not hold or have a valid licence to permit legal access to their property from the limited access road.

Other minor changes have been made to clarify the Act, from both the State and the landowner points of view. The Act will, therefore, be more meaningful to both the professional and the lay person and, being in plain language, will be more easily understood.

Madam Speaker, I commend the *Roads and Jetties Amendment (Validation) Bill 2019* to the House.