

CLAUSE NOTES

Roads and Jetties Amendment Bill 2010

Clause 1

Short title and citation.

Clause 2

This clause provides that the Act will commence on the day it receives the Royal Assent.

Clause 3

The Principal Act is the *Roads and Jetties Act 1935*.

Clause 4

Inserts new section 16AA into the Principal Act to provide as follows:

- (1) That where a vehicular access is constructed over the State road reservation in order to provide access from the State road, the owner of the land served by that vehicular access is responsible for the maintenance of the access.
- (2) That where it becomes apparent that repairs or maintenance works are required to the access, the Minister may give notice to the owner of the land requiring him or her to undertake the necessary works within a specified period.
- (3) That should the owner of the land not carry out the repairs or maintenance specified by the Minister, the Minister may authorise someone else to enter onto the land and undertake the necessary works.
- (4) That if repairs or maintenance works are required to be done urgently, the Minister may authorise someone to enter onto the land and carry out the works without prior notice to the owner of the land.

- (5) The Crown may recover through the normal court process any expenses reasonably incurred from carrying out necessary works required either because of the failure of the land owner to do so within the specified period (3), or because of the need to undertake the works urgently (4).

Clause 5

This clause is a standard provision agreed to be included in Amendment Bills, the effect of which is to automatically repeal the Act after 90 days from the date of the commencement of all of the provisions of the Act. This will make it unnecessary for the Government to later repeal the Act by a Legislation Repeal Act. Once the amendments are incorporated into the Principal Act the Amendment Act serves no practical purpose and can be safely repealed.