

Roads Amendment (Transitways) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Roads Act 1993* so as:

- (a) to enable certain roads (both public and private) to be classified as transitways, and
- (b) to enable the regulations under that Act to regulate traffic using a transitway, and
- (c) to make minor, consequential and ancillary amendments as a result of the creation of the new class of road.

The Bill also allows provisions of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Roads Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [3] inserts proposed section 52A into the principal Act. The new section will allow the Minister administering the principal Act to declare, by order published in the Gazette, that a road (whether public or private) is a transitway (that is, a road that is proposed to be dedicated for use by specified classes of traffic, such as public transport vehicles). A transitway will not be a road or road related area within the meaning of the *Traffic Act 1909* if regulations under the principal Act so provide. However, the provisions of the *Traffic Act 1909*, and of the regulations under that Act, will apply to a transitway, including any part of a transitway that is not a road or road related area within the meaning of that Act. The regulations under the principal Act will be able to prescribe the classes of traffic that are permitted to enter or travel along, or are prohibited from entering or travelling along, a transitway or any part of a transitway.

Schedule 1 [4], [5] and [6] amend section 52A (as proposed to be inserted by Schedule 1 [3]) as a consequence of the intended replacement of the *Traffic Act 1909* by the *Road Transport (General) Act 1999* and the other road transport legislation referred to in the latter Act.

Schedule 1 [1] and [2] make consequential amendments to sections 46 and 51 of the principal Act.

Schedule 1 [7] and [8] amend section 55 of the principal Act so as to allow separate traffic lanes (that is, separate widths of roads) to be separately classified, as is the case with separate lengths and separate levels of roads.

Schedule 1 [9] and [10] amend the heading to Division 4 of Part 5 of the principal Act, and

various sections within that Division, so as to allow access to or from a transitway to be restricted (the amendments to section 67), to provide compensation to owners of land affected by such restrictions (the amendments to section 68) and to prohibit the construction or use of access points without the consent of the RTA (the amendments to section 70).

Schedule 1 [11] amends section 73 of the principal Act so as to empower the RTA to construct access roads for transitways.

Schedule 1 [12] amends section 76 of the principal Act so as to require roads authorities carrying out large-scale road works (that is, road works having an estimated cost of more than \$2,000,000) to give effect to amendments or alterations proposed by the RTA, or to defer the carrying out of such works if required by the RTA, if those works may affect the development of a transitway.

Schedule 1 [13] and **[14]** amend section 87 of the principal Act so as to enable the RTA to carry out traffic control work on such part of a transitway as is not a public road or a road or road related area.

Schedule 1 [15] amends section 264 of the principal Act so as to enable regulations to be made with respect to the regulation of traffic on transitways and the restriction or suspension of the use by the public of transitways.

Schedule 1 [16] amends clause 1 of Schedule 2 to the principal Act so as to enable the regulations under that Act to make savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 1 [17] and **[19]** amend the Dictionary to the principal Act as a consequence of the new class of road provided for by proposed section 52A.

Schedule 1 [18] amends the definition of *road work* in the Dictionary to the principal Act so as to make it clear that transitway stations fall within the ambit of that definition.