

ROAD OBSTRUCTIONS (SPECIAL PROVISIONS) REVIVAL AND AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to make provision for the revival of the Road Obstructions (Special Provisions) Act, 1979, and to make amendments to that Act.

The objects of the amendments are—

- (a) to provide that an “authorised officer”, for the purposes of the Act, means a member of the police force who is of or above the rank of sergeant or who is for the time being in charge of a police station (Schedule 1 (1));
 - (b) to empower the Commissioner of Police or an authorised officer to affix a notice to a motor vehicle requiring its removal from a public road if in his opinion it ought to be moved in order to prevent it obstructing or continuing to obstruct the public road (Schedule 1 (2) (a), (b), (c));
 - (c) to make the offence of disobeying the notice an offence of absolute liability (Schedule 1 (2) (d)); and
 - (d) to make other amendments of a minor or consequential nature.
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RECORD OF INVESTIGATION (R-1) (REVISED 1-1-60)

EXPLANATORY NOTE

This explanatory note is to be filled out by the investigator.

The subject of this R-1 is to be filled out by the investigator. It is to be filled out by the investigator.

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(a) To be filled out by the investigator. It is to be filled out by the investigator. It is to be filled out by the investigator.

(b) To be filled out by the investigator. It is to be filled out by the investigator. It is to be filled out by the investigator.

(c) To be filled out by the investigator. It is to be filled out by the investigator. It is to be filled out by the investigator.

(d) To be filled out by the investigator. It is to be filled out by the investigator. It is to be filled out by the investigator.

**ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
REVIVAL AND AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to revive and amend the Road Obstructions (Special Provisions) Act, 1979.

Road Obstructions (Special Provisions) Revival and Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Road Obstructions (Special Short title. Provisions) Revival and Amendment Act, 1979".

2. (1) This Act has effect only during any period specified in Operation of Act.
an order in force under subsection (2).

10 (2) The Governor, by order published in the Gazette, may, from time to time, declare that this Act shall have effect for such period, not exceeding 3 months, as is specified in the order, being a period commencing on the date of publication of the order or such later date as is specified therein.

15 **3.** Subject to section 4, the Road Obstructions (Special Revival of Act No. 9, 1979.
Provisions) Act, 1979, is revived and is of full force and effect.

4. The Road Obstructions (Special Provisions) Act, 1979, is Amendment of Act No. 9, 1979.
amended in the manner set forth in Schedule 1.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979.

(1) Section 3 (1), definition of "authorised officer"—

5 Omit the definition, insert instead :—

"authorised officer" means a member of the police force who is of or above the rank of sergeant or who is for the time being in charge of a police station;

10 (2) (a) Section 4 (1)—

Omit "unreasonably obstructing", insert instead "on a public road and ought to be moved in order to prevent it obstructing or continuing to obstruct".

(b) Section 4 (1)—

15 After "Schedule 1", insert "containing such directions relating to the movement of the vehicle within such time as the Commissioner or authorised officer, as the case may be, thinks fit".

(c) Section 4 (2) (a), (b)—

20 Omit the paragraphs, insert instead :—

(a) the person who last drove the motor vehicle before the notice was affixed to it shall forthwith move the vehicle in accordance with the directions contained, and within the time specified, in the notice; and

25 (b) the person shall not, before the directions contained in the notice have been complied with, do anything to render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

(d) Section 4 (7)—

5 After section 4 (6), insert :—

(7) An offence referred to in subsection (3) is
an offence of absolute liability.

(3) Section 5 (1)—

10 Omit “, within 2 hours after the notice is affixed to it,
moved to a place where, in the opinion of the Commis-
sioner or an authorised officer, it is no longer unreasonably
obstructing a public road”, insert instead “moved in
accordance with the directions contained, and within the
time specified, in the notice”.

15 (4) Schedule 1—

Omit :—

This motor vehicle is unreasonably obstructing a public
road.

The person who last drove this motor vehicle—

20 (a) must, within 2 hours, move it to a place where it
is no longer unreasonably obstructing a public
road; and

(b) must not render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

insert instead :—

5

The person who last drove this motor vehicle—

- (a) must forthwith move it in accordance with the
following directions :—

*

* Here
insert direc-
tions for
the move-
ment of
the motor
vehicle.

- (b) must not render the motor vehicle immobile.

ROAD OBSTRUCTIONS (SPECIAL PROVISIONS) REVIVAL AND AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to make provision for the revival of the Road Obstructions (Special Provisions) Act, 1979, and to make amendments to that Act.

The objects of the amendments are—

- (a) to provide that an “authorised officer”, for the purposes of the Act, means a member of the police force who is of or above the rank of sergeant or who is for the time being in charge of a police station (Schedule 1 (1));
 - (b) to empower the Commissioner of Police or an authorised officer to affix a notice to a motor vehicle requiring its removal from a public road if in his opinion it ought to be moved in order to prevent it obstructing or continuing to obstruct the public road (Schedule 1 (2) (a), (b), (c));
 - (c) to make the offence of disobeying the notice an offence of absolute liability (Schedule 1 (2) (d)); and
 - (d) to make other amendments of a minor or consequential nature.
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**ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
REVIVAL AND AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

**An Act to revive and amend the Road Obstructions (Special
Provisions) Act, 1979.**

[Mr Cox—27 November, 1979.]

Road Obstructions (Special Provisions) Revival and Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Road Obstructions (Special Short title.
Provisions) Revival and Amendment Act, 1979".

2. (1) This Act has effect only during any period specified in Operation
of Act.
an order in force under subsection (2).

(2) The Governor, by order published in the Gazette, may,
10 from time to time, declare that this Act shall have effect for such
period, not exceeding 3 months, as is specified in the order, being
a period commencing on the date of publication of the order or
such later date as is specified therein.

3. Subject to section 4, the Road Obstructions (Special Revival of
Act No. 9,
1979.
15 Provisions) Act, 1979, is revived and is of full force and effect.

4. The Road Obstructions (Special Provisions) Act, 1979, is Amendment
of Act No.
9, 1979.
amended in the manner set forth in Schedule 1.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979.

(1) Section 3 (1), definition of "authorised officer"—

5 Omit the definition, insert instead :—

"authorised officer" means a member of the police force who is of or above the rank of sergeant or who is for the time being in charge of a police station;

10 (2) (a) Section 4 (1)—

Omit "unreasonably obstructing", insert instead "on a public road and ought to be moved in order to prevent it obstructing or continuing to obstruct".

(b) Section 4 (1)—

15 After "Schedule 1", insert "containing such directions relating to the movement of the vehicle within such time as the Commissioner or authorised officer, as the case may be, thinks fit".

(c) Section 4 (2) (a), (b)—

20 Omit the paragraphs, insert instead :—

(a) the person who last drove the motor vehicle before the notice was affixed to it shall forthwith move the vehicle in accordance with the directions contained, and within
25 the time specified, in the notice; and

(b) the person shall not, before the directions contained in the notice have been complied with, do anything to render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

(d) Section 4 (7)—

5 After section 4 (6), insert :—

(7) An offence referred to in subsection (3) is
an offence of absolute liability.

(3) Section 5 (1)—

10 Omit “, within 2 hours after the notice is affixed to it,
moved to a place where, in the opinion of the Commis-
sioner or an authorised officer, it is no longer unreasonably
obstructing a public road”, insert instead “moved in
accordance with the directions contained, and within the
time specified, in the notice”.

15 (4) Schedule 1—

Omit :—

This motor vehicle is unreasonably obstructing a public
road.

The person who last drove this motor vehicle—

20 (a) must, within 2 hours, move it to a place where it
is no longer unreasonably obstructing a public
road; and

(b) must not render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

insert instead :—

- 5 The person who last drove this motor vehicle—
 (a) must forthwith move it in accordance with the
 following directions :—

*

* Here
insert direc-
tions for
the move-
ment of
the motor
vehicle.

- (b) must not render the motor vehicle immobile.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

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**ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
REVIVAL AND AMENDMENT ACT, 1979, No. 144**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 144, 1979.

An Act to revive and amend the Road Obstructions (Special
Provisions) Act, 1979. [Assented to, 28th November, 1979.]

Road Obstructions (Special Provisions) Revival and Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Road Obstructions (Special Provisions) Revival and Amendment Act, 1979".

Operation of Act. **2.** (1) This Act has effect only during any period specified in an order in force under subsection (2).

(2) The Governor, by order published in the Gazette, may, from time to time, declare that this Act shall have effect for such period, not exceeding 3 months, as is specified in the order, being a period commencing on the date of publication of the order or such later date as is specified therein.

Revival of Act No. 9, 1979. **3.** Subject to section 4, the Road Obstructions (Special Provisions) Act, 1979, is revived and is of full force and effect.

Amendment of Act No. 9, 1979. **4.** The Road Obstructions (Special Provisions) Act, 1979, is amended in the manner set forth in Schedule 1.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979.

(1) Section 3 (1), definition of "authorised officer"—

Omit the definition, insert instead :—

"authorised officer" means a member of the police force who is of or above the rank of sergeant or who is for the time being in charge of a police station;

(2) (a) Section 4 (1)—

Omit "unreasonably obstructing", insert instead "on a public road and ought to be moved in order to prevent it obstructing or continuing to obstruct".

(b) Section 4 (1)—

After "Schedule 1", insert "containing such directions relating to the movement of the vehicle within such time as the Commissioner or authorised officer, as the case may be, thinks fit".

(c) Section 4 (2) (a), (b)—

Omit the paragraphs, insert instead :—

- (a) the person who last drove the motor vehicle before the notice was affixed to it shall forthwith move the vehicle in accordance with the directions contained, and within the time specified, in the notice; and
- (b) the person shall not, before the directions contained in the notice have been complied with, do anything to render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

(d) Section 4 (7)—

After section 4 (6), insert :—

(7) An offence referred to in subsection (3) is an offence of absolute liability.

(3) Section 5 (1)—

Omit “, within 2 hours after the notice is affixed to it, moved to a place where, in the opinion of the Commissioner or an authorised officer, it is no longer unreasonably obstructing a public road”, insert instead “moved in accordance with the directions contained, and within the time specified, in the notice”.

(4) Schedule 1—

Omit :—

This motor vehicle is unreasonably obstructing a public road.

The person who last drove this motor vehicle—

(a) must, within 2 hours, move it to a place where it is no longer unreasonably obstructing a public road; and

(b) must not render the motor vehicle immobile.

Road Obstructions (Special Provisions) Revival and Amendment.

SCHEDULE 1—*continued.*

AMENDMENT OF THE ROAD OBSTRUCTIONS (SPECIAL PROVISIONS)
ACT, 1979—*continued.*

insert instead :—

The person who last drove this motor vehicle—

- (a) must forthwith move it in accordance with the following directions :—

*

* Here
insert direc-
tions for
the move-
ment of
the motor
vehicle.

- (b) must not render the motor vehicle immobile.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,

Governor.

Government House,

Sydney, 28th November, 1979.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

Each of the following is a list of the names of the persons who have been

admitted to the membership of the

association since the last meeting of the

association held on the

first day of the month of

the year 1900.

The names of the persons who have been

admitted to the membership of the
association since the last meeting of the
association held on the
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