



Australian Capital Territory

Roads and Public Places Act 1937 No 24

Republication No 4

Republication date: 30 May 2002

Last amendment made by Act 2002 No 11

Amendments incorporated to 28 May 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Roads and Public Places Act 1937* as in force on 30 May 2002. It includes any amendment, repeal or expiry affecting the republished law to 28 May 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
28 May 2002



Australian Capital Territory

Roads and Public Places Act 1937

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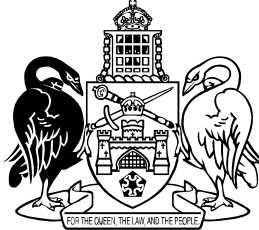
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Australian Capital Territory

Roads and Public Places Act 1937

An Act relating to roads and other public places

1 Short title

This Act may be cited as the *Roads and Public Places Act 1937*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

code of practice means the code of practice determined by the Minister under section 12A (1) as varied from time to time under that subsection.

determined fee means—

- (a) the fee determined under section 9A (1); or
- (b) the fee calculated in accordance with a determination under section 9A (2);

for the provision in which the expression occurs.

object includes any item of movable personal property.

owner, in relation to land leased from the Commonwealth, means the lessee of the land.

permit means a permit granted under this Act.

public place means any place that is unleased Territory land which the public are entitled to use or which is open to, or used by, the public, and includes every public road.

public road means any street, road, lane, thoroughfare, footpath, or place that is Territory land open to, or used by, the public.

retention area—see the *Uncollected Goods Act 1996*.

roads and public places officer means a roads and public places officer under section 2B.

sign includes a notice and an advertisement.

2A Application of Act to Territory

- (1) The following provisions do not bind the Territory:
 - section 6 (Drains for surface water)
 - section 7 (Damage to or interference with public places and property on them).
- (2) This section has effect despite the *Legislation Act 2001*, section 121 (Binding effect of Acts).

2B Roads and public places officers

- (1) There may be 1 or more roads and public places officers.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of a roads and public places officer.
- (3) A roads and public places officer shall be any public servant for the time being performing the duties of a public service office referred to in subsection (2).

3 Level of roads

- (1) Subject to this section, the Minister may fix or alter the level of any public road.
- (2) The level of any public road shall not be fixed or altered before an opportunity is given to persons interested in such fixation or alteration to be heard in relation thereto.
- (3) At least 30 days before the fixing or altering of the level of any public road, the Minister shall cause a notice of his or her intention to fix or alter the level to be inserted twice in a newspaper circulating in the ACT.

- (4) The notice shall specify—
 - (a) the name and situation of the road or part of the road the level of which it is intended to fix or alter; and
 - (b) the place where plans of the intended level may be inspected; and
 - (c) the place where and the time when any person interested may be heard by a roads and public places officer.
- (5) The roads and public places officer shall at the time and place mentioned in the notice hear all persons interested and shall furnish a report of the hearing to the Minister.
- (6) The Minister may, thereupon, in his or her discretion, adopt or abandon or make such alterations in the intended level as he or she thinks fit.

4 Temporary closing of roads

- (1) The Minister may, subject to this section, temporarily close any public road against vehicular or other traffic.
- (2) Except in cases of urgency, the Minister shall not close any public road against vehicular or other traffic unless—
 - (a) notice of his or her intention to close the road has been published in a newspaper circulating in the ACT at least 7 days before the date upon which it is intended to close the road; and
 - (b) a notice indicating that the road is closed is displayed in some conspicuous place on the road.
- (3) Any person who, without the permission of a roads and public places officer, uses any road so closed commits an offence.

Maximum penalty: 5 penalty units.

5 Temporary roads

- (1) Where a road is closed under section 4 and it is necessary, in the opinion of the Minister or a roads and public places officer, to make a temporary road for use while the road is so closed, the Minister or a roads and public places officer may make a temporary road.
- (2) If the land on which it is intended to make the road is fenced, the Minister or officer shall cause notice of his or her intention to make the road to be given to the occupier or owner of the land at least 24 hours before the making of the road is commenced.
- (3) However, it shall not be necessary for the notice to be given in any case where the Minister or officer is of opinion that it is essential that a temporary road should be made forthwith.
- (4) Any person who obstructs or hinders the Minister, a roads and public places officer or his or her assistants in making a road under this section commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

6 Drains for surface water

- (1) Where surface water from any land overflows into and damages any public place, the Minister may, by notice in writing, require the owner of the land to repair any such damage and to construct such drains and in such situations as are specified in the notice within 1 month after service upon him or her of the notice.
- (2) The owner shall maintain the drains in good order and condition.
- (3) In the event of the owner failing to comply with any such notice or to maintain the drains in good order and condition, the Minister may enter on the land mentioned in the notice with such assistants as he or she deems necessary and construct or maintain the drains and may recover in any court of competent jurisdiction from the owner the cost of such construction and maintenance and, in addition, the cost of repairing the damage to the public place.

7 Damage to or interference with public places and property on them

Any person who—

- (a) wilfully or negligently damages or suffers or causes damage to be done to; or
- (b) without the permission in writing of the Minister or a roads and public places officer (proof whereof shall lie upon the person accused), interferes with;

any public place or any kerbstone, watertable, gutter, footpath or other work thereon or any fence, post, lamp, lamp post, structure or other property of the Territory in any public place, commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

8 Construction of culverts etc in public places

Any person who, without the permission of the Minister or a roads and public places officer (proof whereof shall lie upon the person accused)—

- (a) makes or places any culvert, bridge, crossing or drain across any watertable, watercourse or footpath in any public place; or
- (b) makes an excavation in a public place;

commits an offence.

Maximum penalty: 30 penalty units.

9 Permission to place culverts etc across, and to interfere with the surfaces of, public places

- (1) The Minister or a roads and public places officer may grant permission to any person to make or place a culvert, bridge, crossing or drain across a watertable, watercourse or footpath in, or to open up or break the surface of, any public place, subject to subsection (2), on payment of the determined fee and in accordance with such conditions as the Minister determines.
- (2) Where—
 - (a) the Minister grants permission to a person to open up or break the surface of a public place; and
 - (b) the permission is granted in connection with the granting of a permit under this Act;

the fee referred to in subsection (1) is not payable.

9A Fee determinations

- (1) The Minister may, by notice in writing, determine fees for this Act.
- (2) The Minister may, by notice in writing, determine the manner in which a fee for this Act is to be calculated.
- (3) An instrument under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

10 Excavations etc on public places to be lighted

Where any excavation is made, or any substance or material is placed, on any public place, or any work is being carried on, on any public place entailing the opening up or breaking of the surface thereof, the person making, or permitting or causing to be made, the excavation, or placing the substance or material, or permitting or causing the substance or material to be placed, on the public place, or carrying out the works, shall cause sufficient lights to be affixed in a proper place to indicate clearly the excavation, substance,

material or works, and continue those lights every night from sunset to sunrise while the excavation, substance, material or works continue, and shall during all that time at his or her own expense cause the place on which they are continued to be sufficiently fenced or enclosed to prevent any danger or inconvenience to any person.

Maximum penalty: 30 penalty units.

11 Alignment marks etc

Any person who, without lawful authority, pulls down, pulls up, destroys or damages any alignment or boundary mark, or any stone, notice board, public notice or other erection in or on any public place commits an offence.

Maximum penalty: 30 penalty units.

12 Exhibition of advertisements or notices

Any person who, without the permission of the Minister or a roads and public places officer, exhibits, by any means whatsoever, upon any property of the Territory in or adjoining any public place, any advertisement or notice commits an offence.

Maximum penalty: 10 penalty units.

12A Code of practice relating to movable signs

- (1) The Minister may, by instrument—
 - (a) determine a code of practice in respect of the placement and keeping of movable signs in public places; or
 - (b) vary the code from time to time.
- (2) An instrument under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

12B Contents of code of practice

The code of practice may include, but is not limited to, matters relating to—

- (a) the materials from which, and the methods by which, a sign may be constructed; and
- (b) the sizes of signs; and
- (c) the locations in which a sign may be placed; and
- (d) the words or images that may be displayed on a sign; and
- (e) the way in which the person responsible for a sign may be identified; and
- (f) the number of signs that a person may place or keep in a public place; and
- (g) the requirements relating to insurance that a person who places or keeps a sign in a public place must satisfy.

12C Failure to comply with code

A person shall not, without reasonable excuse, place or keep a movable sign in, over or across a public place, except in accordance with the code of practice.

Maximum penalty:

- (a) if the offender is a natural person whose offence did not involve a contravention of a provision of the code relating to insurance—10 penalty units; or
- (b) if the offender is a body corporate whose offence involved a contravention of a provision of the code relating to insurance—250 penalty units; or
- (c) in any other case—50 penalty units.

12D Indemnification of Territory

A person who places or keeps a movable sign in a public place is liable to indemnify the Territory for any liability the Territory incurs as a result of the sign being so kept or placed.

12E Evidence of code of practice

In any proceedings before a court, evidence of the code of practice as in force on a specified day or during a specified period may be given by the production of a document purporting to be a copy of the code and purporting to be signed by the Minister stating that the document is a true copy of the code as in force on that day or during that period.

12F Removal of items from public places

- (1) Where a movable sign has been placed, or is being kept, in a public place otherwise than in accordance with the code of practice, a roads and public places officer may remove the sign and place it in a retention area.
- (2) Where—
 - (a) a prescribed object is in, over or across a public place; and
 - (b) the object is not authorised by a permit granted under this Act or any other law of the Territory to be there;a roads and public places officer may—
 - (c) in a case where the object—
 - (i) creates a hazard for people using the public place or any premises adjacent to the public place; or
 - (ii) restricts the movement of people or vehicles in the public place;remove the object from the public place and place it in a retention area; or

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- (d) in any case—give the owner of the object a direction in writing to—
- (i) apply for a permit authorising the object to remain in, over or across the public place; or
 - (ii) remove the object from the public place;
- within 7 days after the direction is given.
- (3) Where a roads and public places officer gives the owner of an object a notice under subsection (2) (d) and—
- (a) the owner does not comply with the notice; or
 - (b) the owner makes, within the period of 7 days specified in the notice, an application for a permit to allow the object to remain in, over or across the public place and that application is refused;
- a roads and public places officer may remove the object from the public place and place it in a retention area.
- (4) Where a sign or object is placed in a retention area under subsection (1), (2) (c) or (3)—
- (a) the sign or object shall be deemed to be uncollected goods for the purposes of the *Uncollected Goods Act 1996*; and
 - (b) the Minister shall be deemed to be the possessor of the goods for that Act; and
 - (c) the Minister may dispose of the goods in accordance with part 3 of that Act; and
 - (d) for sections 26 (2) (a) and 30 (1) (a) of that Act the reasonable costs incurred by the possessor in complying with that Act shall be taken to include the cost of removing the sign or object from the public place to the retention area.
- (5) In this section:

prescribed object means an object prescribed under section 12G.

12G Prescribed objects

- (1) The Minister may, by instrument, prescribe objects for section 12F (5), definition of *prescribed object*.
- (2) An instrument under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

13 Trees etc overhanging public places

- (1) Where any tree, sapling, plant, shrub or timber on any land overhangs any public place so as to obstruct or inconvenience passers by, a roads and public places officer may, by notice in writing, require the occupier of the land, within the time specified in the notice, so to cut the tree, sapling, plant, shrub or timber that it will not obstruct or inconvenience passers by.
- (2) An occupier of land who is served with a notice under subsection (1) shall comply with the notice.

Maximum penalty: 5 penalty units.

- (3) Where any tree, sapling, plant, shrub or timber, or part thereof, on any land adjoining any public place is in such a condition or situation as to endanger the safety of any person using the place, whether by obstructing the vision or otherwise, a roads and public places officer may, by notice in writing, require the occupier of the land to remove forthwith the tree, sapling, plant, shrub or timber, or part.
- (4) An occupier of land who is served with a notice under subsection (3) shall comply with the notice.

Maximum penalty: 50 penalty units.

14 Repair of damage to public places

- (1) Any person who causes damage to any public place other than the fair wear and tear due to ordinary and reasonable user of such place shall—
 - (a) pay the cost incurred by the Territory in making good the damage; or
 - (b) if the Minister so requires, make good the damage to the satisfaction of the Minister or a roads and public places officer.
- (2) Subsection (1) applies whether or not the person was acting with the permission of the Minister or a roads and public places officer or in pursuance of a permit granted to him or her under this Act.

15A Objects in public places

The Minister may, upon the application of a person, grant to the person a permit to place an object, other than an object of a kind referred to in section 8 (a), in, over or across a public place.

15B Application for permit

An application for the grant of a permit to place an object in, over or across a public place—

- (a) shall be made in writing to the Minister and signed by or on behalf of the applicant; and
- (b) shall specify the place in respect of which the permit is sought; and
- (c) shall be accompanied by a plan clearly showing—
 - (i) the location, boundaries and dimensions of the place in respect of which the permit is sought; and
 - (ii) if it is not proposed to move the object whilst the permit is in force—the proposed position of the object in, over or across that place; and

- (d) shall clearly indicate the nature of the object and give particulars of its design and size; and
- (e) shall specify the use to which it is intended the object will be put; and
- (f) shall specify the hours during which it is proposed the object will remain in, over or across the place; and
- (g) shall give particulars of any measures proposed to be adopted in connection with the use of the object to safeguard the health and provide for the safety, comfort and convenience of persons using the place or a place adjacent to or near the place; and
- (h) where installation or construction work is proposed to be carried out in or on the place for the purpose of placing the object in, over or across the place—
 - (i) shall specify the nature of the work; and
 - (ii) shall give particulars of the methods to be employed in the execution of the work; and
 - (iii) shall give particulars of any measures proposed to be adopted in connection with the work to protect the safety of persons using the place or a place adjacent to or near the place.

15C Grant or refusal of permit

- (1) The Minister shall consider each application for a permit and shall—
 - (a) approve of the grant to the applicant of the permit; or
 - (b) refuse to grant the permit to the applicant.
- (2) For the purpose of determining an application for a permit to place an object in, over or across a public place, the Minister shall have regard to—
 - (a) whether the place is a suitable place in, over or across which to place the object; and

- (b) whether the object will be structurally sufficient, safe and stable; and
- (c) the interests of the public and, in particular—
 - (i) whether the object, placed in, over or across the place, would be likely to be to the benefit or detriment of persons using the place or a place adjacent to or near the place; and
 - (ii) whether adequate provision is proposed to be made in connection with the use of the object to safeguard the health and provide for the safety, comfort and convenience of persons using the place or a place adjacent to or near the place; and
- (d) the interests of persons carrying on business in the vicinity of the place and, in particular, the interests of a person carrying on, in the vicinity of the place, a business similar to the business (if any) carried on, in the vicinity of the place, by the applicant; and
- (e) where installation or construction work is proposed to be carried out in or on the place for the purpose of placing the object in, over or across the place—
 - (i) whether it is desirable to allow the work to be carried out in or on the place; and
 - (ii) whether the work will be suitable for the purpose; and
 - (iii) whether adequate provision is proposed to be made in connection with the work to protect the safety of persons using the place or a place adjacent to or near the place.

15D Permit may be subject to conditions

Where the Minister approves of the grant to an applicant of a permit to place an object in, over or across a public place, the Minister may grant the permit subject to such of the following conditions as he or she thinks fit:

- (a) that the object will be of a type or design specified by the Minister;
- (b) that the object will be properly maintained and will not be allowed to become structurally insufficient, unsafe or unstable;
- (c) that the holder of the permit will not allow the object, whether directly or indirectly, to adversely affect the health or safety of persons using the place or a place adjacent to or near the place;
- (d) that adequate provision will be made for the disposal of refuse and waste from, and for the drainage of, the place;
- (e) that, during the hours between sunset and sunrise that the object is in the place, the place will be illuminated in such a manner as to indicate clearly the object;
- (f) that the place will be fenced or enclosed in such a manner as to prevent persons being endangered or inconvenienced by the object;
- (g) that any installation or construction work to be carried out in or on the place for the purpose of placing the object in, over or across the place will be carried out in a proper, skilful and safe manner;
- (h) that the applicant will insure himself or herself and keep himself or herself insured against liability in respect of—
 - (i) death, bodily injury or illness; or
 - (ii) loss of, or damage to, property;occurring in connection with the object.

15E Grant of permit

- (1) Where the Minister approves of the grant to an applicant of a permit, the Minister shall notify the applicant in writing of the grant and of any conditions to which the permit is subject and shall, on payment of the determined fee, issue the permit to the applicant.

- (2) A permit granted under this Act shall clearly identify the place in respect of which the permit is granted and shall specify—
- (a) the name and address of the person to whom the permit is granted; and
 - (b) the object permitted to be placed in, over or across the place; and
 - (c) the use to which the object may be put; and
 - (d) the hours during which the object may remain in, over or across the place; and
 - (e) the period for which the permit is granted; and
 - (f) the conditions (if any) to which the permit is subject.

15F Cancellation of permit

The Minister may, upon any of the following grounds, cancel a permit authorising a person to place an object in, over or across a public place:

- (a) that a permit was granted in error or in consequence of a false statement made or misleading information furnished by the holder of the permit;
- (b) that the holder of the permit has failed to take reasonable steps to prevent the object being used for a purpose other than the purpose specified in the permit;
- (c) that the holder of the permit has permitted the object to remain in the public place at a time other than a time allowed by the permit;
- (d) that the holder of the permit has failed to comply with a condition to which the permit is subject;
- (e) that the public place is no longer a suitable place to be the subject of a permit under this Act;

- (f) that the object is not serving a purpose beneficial to the interests of the public;
- (g) that the object has resulted in, whether directly or indirectly, the interests of a person carrying on business in the vicinity of the place being adversely affected.

15G Review of decisions of Minister

- (1) Application may be made to the administrative appeals tribunal for a review of a decision of the Minister or his or her delegate—
 - (a) under section 15C (1) (b) to refuse to grant a permit; or
 - (b) under section 15D to grant a permit subject to a condition; or
 - (c) under section 15F to cancel a permit.
- (2) Where the Minister or his or her delegate makes a decision of the kind referred to in subsection (1), the Minister or the delegate, as the case may be, shall cause notice of the decision to be given to a person whose interests are affected by the decision.
- (3) A notice under subsection (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

15H Rights of holder of permit

- (1) For the purpose of ensuring that an object to which a permit relates is used for the purpose specified in the permit, the holder of the permit may determine the persons who may make use of the object and any equipment or services provided in connection with the object.
- (2) Nothing in subsection (1) or in any other provision of this Act prevents a place that is a public place for the purposes of a law in force in the ACT from continuing to be a public place for the purposes of that law.

15J Term of permit

A permit, unless sooner surrendered or cancelled, remains in force for such period, being a period not exceeding 12 months, as is specified in the permit.

15K Renewal of permit

- (1) The Minister shall—
 - (a) on an application for the renewal of a permit made before or after the expiration of the term of the permit; and
 - (b) on payment of the determined fee;subject to subsection (3), renew the permit by issuing to the applicant a renewal of the permit.
- (2) Where the Minister renews a permit—
 - (a) the permit as renewed continues in force for such period, being a period not exceeding 12 months, as is specified in the renewal; and
 - (b) that period commences at the expiration of the period during which, but for its renewal, the permit would have been in force.
- (3) The Minister shall not renew a permit where the object to which the permit related has been removed under section 15N (1).

15L Loss or destruction of permit

If the Minister is satisfied that a permit has been lost, defaced or destroyed, he or she may issue to the holder of the permit a certified copy of the permit and that copy is, for this Act, of the same effect as the permit.

15M Notice to remove object

- (1) Where a permit expires or is surrendered or cancelled, the Minister shall, as soon as possible after the expiry, surrender or cancellation of the permit, as the case may be, if the object to which the permit

related is still in, over or across the public place to which the permit related, by notice in writing given to the person who held the permit, require that person, within such period as is specified in the notice, being a period of not less than 14 days after the notice is given, to remove the object from the public place.

- (2) Where a notice is given under subsection (1) following the expiry of a permit and the permit is subsequently renewed under section 15K (1), the notice ceases to have effect.

15N Removal of objects by Territory

- (1) Where a person fails to comply with a notice given to him or her under section 15M (1), the Minister shall cause the object to which the notice relates to be removed and placed in storage.
- (2) Where a notice is given to a person under section 15M (1) and the object to which the notice relates is removed under subsection (1), the Minister shall give to the person a further notice stating—
- (a) the place in which the object is stored; and
 - (b) that the object will be delivered to the person at the place in which it is being stored if, within 28 days after the notice is given, the person pays to the Territory—
 - (i) the amount specified in the notice in respect of the costs and expenses incurred or to be incurred by the Territory in making good any damage caused to the public place by the removal of the object; and
 - (ii) the amount specified in the notice in respect of the costs and expenses incurred by the Territory in removing the object; and
 - (iii) an amount in respect of the costs and expenses of storage of the object, being an amount calculated in accordance with such rate as is specified in the notice; and

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- (c) that, if, within the time specified in paragraph (b), the amounts referred to in that paragraph are not paid and the object removed from the place in which it is being stored—
 - (i) the ownership of the object shall be deemed, for all purposes, to vest in the Territory; and
 - (ii) the object may be disposed of in such manner as the Minister directs.
 - (3) In relation to a notice given under subsection (2)—
 - (a) the amount to be specified in the notice for subsection (2) (b) (i) is the amount of the reasonable costs and expenses incurred or to be incurred by the Territory in making good any damage caused to the public place by the removal of the object; and
 - (b) the amount to be specified in the notice for subsection (2) (b) (ii) is the amount of the reasonable costs and expenses incurred by the Territory in removing the object; and
 - (c) the rate to be specified in the notice for subsection (2) (b) (iii) is the rate necessary to cover the reasonable costs and expenses of storage of the object.

15P Disposal of objects by Territory

- (1) Where a person to whom a notice is given under section 15N (2) does not, within 28 days after the notice is given to him or her—
 - (a) pay to the Territory the amounts referred to in the notice; and
 - (b) remove the object to which the notice relates from the place in which it is being stored;

the ownership of the object shall be deemed, for all purposes, to vest in the Territory and the object may be disposed of in such manner as the Minister directs.
- (2) Where, under subsection (1), an object is sold by the Territory, the proceeds of the sale shall be applied—
 - (a) in repaying to the Territory—

- (i) the amounts specified, for section 15N (2) (b) (i) and (ii), in the notice given under section 15N (2) in respect of the object; and
 - (ii) the amount of the costs and expenses incurred by the Territory in connection with the storage of the object, being an amount calculated in accordance with the rate specified, for section 15N (2) (b) (iii), in that notice; and
 - (iii) the amount of the reasonable costs and expenses incurred by the Territory in connection with the sale of the object; and
- (b) in payment of the balance (if any) to the person to whom the notices under sections 15M (1) and 15N (2) were given.

15Q Manner of giving notices

A notice referred to in section 15M (1) or 15N (2) may be given by post.

15R Change of address

- (1) Where the name or address of the holder of a permit is changed, the holder shall forthwith furnish to the Minister notice in writing of the change and forward the permit to the Minister.

Maximum penalty: 1 penalty unit.

- (2) The Minister shall, as soon as practicable after receipt of the permit, enter the particulars of the change on the permit and return it to the holder.

16 Regulations

The Executive may make regulations, not inconsistent with this Act, prescribing all the matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001.s*

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Roads and Public Places Ordinance 1937 No 24* (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989 No 21*, s 5 on 11 May 1989 (self-government day).

Legislation before becoming Territory enactment

Roads and Public Places Act 1937 No 24

notified 16 December 1937

commenced 16 December 1937

as amended by

Ordinances Revision Ordinance 1959 No 21

notified 23 December 1959

commenced 31 December 1959

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Roads and Public Places (Amendment) Ordinance 1976 No 72

notified 30 December 1976

commenced 30 December 1976

Roads and Public Places (Amendment) Ordinance 1983 No 15

notified 27 July 1983

commenced 10 August 1983 (Cwlth Gaz 1983 No S172)

Roads and Public Places (Amendment) Ordinance 1987 No 64

notified 6 November 1987

commenced 6 November 1987

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch1

notified 10 May 1989 (Cwlth Gaz 1989 No S164)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment**Acts Revision (Position of Crown) Act 1993 No 44 sch 1**

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Roads and Public Places (Amendment) Act 1997 No 63

notified 9 October 1997 (Gaz 1997 No S300)
ss 1-3 commenced 9 October 1997 (s 2 (1))
remainder commenced 27 October 1997 (s 2 (2) and Gaz 1997 No S326)

Roads and Public Places (Amendment) Act 1998 No 56

notified 27 November 1998 (Gaz 1998 No S207)
ss 1-3 commenced 27 November 1998 (s 2 (1))
s 11 (part) commenced 5 February 1999 (s 2 (2) and Gaz 1999 No S5)
remainder commenced 27 May 1999 (s 2 (3))

Endnotes

4 Amendment history

Legislation Amendment Act 2002 No 11 pt 2.43

notified LR 27 May 2002

s 1, s 2 commenced 27 May 2002 (LA s 75)

pt 2.43 commenced 28 May 2002 (s 2 (1))

4 Amendment history

Title

title am 1989 No 38

Definitions for Act

s 2 def **authorized officer** am 1989 No 38
om 1994 No 97 sch pt 1
def **code of practice** ins 1998 No 56 s 4
def **determined fee** ins 1997 No 63 s 4
def **object** ins 1998 No 56 s 4
def **permit** ins 1976 No 72
def **public place** am 1989 No 38; 1998 No 56 s 4
def **public road** am 1959 No 21; 1989 No 38
def **retention area** ins 1998 No 56 s 4
def **roads and public places officer** ins 1994 No 97 sch pt 1
def **sign** ins 1998 No 56 s 4

Application of Act to Territory

s 2A ins 1993 No 44 sch 1
sub 2002 No 11 amdt 2.88

Roads and public places officers

s 2B ins 1994 No 97 sch pt 1

Level of roads

s 3 am 1994 No 97 sch pt 1

Temporary closing of roads

s 4 am 1994 No 81 sch; 1994 No 97 sch pt 1; 1998 No 56

Temporary roads

s 5 am 1994 No 81 sch; 1994 No 97 sch pt 1; 1998 No 56;
R2 LRA; ss renum R3 LA

Damage to or interference with public places and property on them

s 7 am 1989 No 38; 1994 No 81 sch; 1994 No 97 sch pt 1; 1998
No 56

Construction of culverts etc in public places

s 8 am 1976 No 72; 1994 No 81 sch; 1994 No 97 sch pt 1; 1998
No 56

Permission to place culverts etc across, and to interfere with the surfaces of, public places

s 9 am 1976 No 72; 1983 No 15; 1994 No 97 sch pt 1; 1997 No 63

Fee determinations

s 9A ins 1983 No 15
sub 1997 No 63

Excavations etc on public places to be lighted

s 10 am 1966 No 19; 1976 No 72; 1994 No 81 sch; 1998 No 56

Alignment marks etc

s 11 am 1989 No 38; 1994 No 81 sch; 1998 No 56

Exhibition of advertisements or notices

s 12 am 1976 No 72; 1989 No 38; 1994 No 81 sch; 1994 No 97
sch pt 1

Code of practice relating to movable signs

s 12A ins 1998 No 56

Contents of code of practice

s 12B ins 1998 No 56

Failure to comply with code

s 12C ins 1998 No 56

Indemnification of Territory

s 12D ins 1998 No 56

Evidence of code of practice

s 12E ins 1998 No 56

Removal of items from public places

s 12F ins 1998 No 56

Prescribed objects

s 12G ins 1998 No 56

Tress etc overhanging public places

s 13 am 1994 No 81 sch; 1994 No 97 sch pt 1; 1998 No 56;
ss renum R3 LA

Repair of damage to public places

s 14 am 1976 No 72; 1989 No 38; 1994 No 97 sch pt 1

Penalties

s 15 am 1966 No 19
sub 1976 No 72
om 1994 No 81 sch

Objects in public places

s 15A ins 1976 No 72

Application for permit

s 15B ins 1976 No 72

Grant or refusal of permit

s 15C ins 1976 No 72

Endnotes

4 Amendment history

Permit may be subject to conditions

s15D ins 1976 No 72

Grant of permit

s 15E ins 1976 No 72
am 1997 No 63

Cancellation of permit

s 15F ins 1976 No 72

Review of decisions of Minister

s 15G ins 1976 No 72
am 1989 No 38; 1994 No 60 sch 1

Rights of holder of permit

s 15H ins 1976 No 72

Term of permit

s 15J ins 1976 No 72

Renewal of permit

s 15K ins 1976 No 72
am 1997 No 63

Loss or destruction of permit

s 15L ins 1976 No 72

Notice to remove object

s 15M ins 1976 No 72

Removal of objects by Territory

s 15N ins 1976 No 72
am 1989 No 38

Disposal of objects by Territory

s 15P ins 1976 No 72
am 1989 No 38

Manner of giving notices

s 15Q ins 1976 No 72

Change of address

s 15R ins 1976 No 72
am 1994 No 81 sch; 1998 No 56

Obstruction of loading zones

s 15S ins 1987 No 64
om 1989 No 38

Infringement notices

s 15T ins 1987 No 64
om 1989 No 38

Regulations

s 16 am 1989 No 38

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1994 No 97	31 January 1996
2	Act 1998 No 56	31 July 1999
3	Act 1998 No 56	4 January 2002

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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