



**AUSTRALIAN CAPITAL TERRITORY**

***ROADS AND PUBLIC PLACES ACT 1937***

**PRESCRIBED OBJECTS  
INSTRUMENT NO. 14 OF 1999**

**EXPLANATORY STATEMENT**

The *Roads and Public Places Act 1937* (the Act) provides a statutory procedure for the Minister to grant a permit to place an object in, over or across a public place (sections 15A to 15R). The procedure is routinely used to regulate activities such as outdoor cafeterias, stalls and markets in public places.

In the event that a permit expires or is surrendered or cancelled, the Minister has a statutory power to give a notice requiring the object to be removed and, if the notice is not complied with, to cause the object to be removed.

The *Roads and Public Places (Amendment) Act 1998* [gazetted 27 November 1998] inserts provisions into the Act which expand the statutory removal power in relation to objects by empowering a Roads and Public Places Officer to remove 'prescribed objects' from a public place.

The new provisions enable a Roads and Public Places Officer to remove a prescribed object from a public place without notice if it creates a hazard or obstruction, and in other cases to follow a process of notification to the owner which may lead to the object being either removed from the public place or authorised by a permit to remain there.

The new provisions are applicable to those cases where  
a person places an object in a public place;  
the object is not authorised to be there by a permit and it adversely affects access, safety or amenity; and  
the person does not comply with a request from an authorised officer to remove the object.

This disallowable instrument is made under section 12G of the Act and prescribes those objects which may be subject to the power of statutory removal of 'prescribed objects' contained in the amended legislation.