

MAIN ROADS.

No. 35 of 1972.

AN ACT to amend the Main Roads Act, 1930-1969.

[Assented to 16th June, 1972.]

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

1. (1) This Act may be cited as the *Main Roads Act Amendment Act, 1972*. Short title
and
citation.

(2) In this Act the Main Roads Act, 1930-1969, is referred to as the principal Act. Reprinted
as approved
for reprint
22nd
January,
1970.

(3) The principal Act as amended by this Act may be cited as the Main Roads Act, 1930-1972.

Commence-
ment.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) It shall not be necessary to proclaim that the whole Act shall come into operation on one day, but the several sections of this Act may be proclaimed to come into operation on such days as are respectively fixed by proclamation.

Section 15
repealed
and
re-enacted.

3. Section 15 of the principal Act is repealed and re-enacted with amendments as follows—

Property
in and
control of
main roads.

15. (1) The absolute property in the land over which a main road is declared shall vest in the Crown.

(2) The Commissioner shall have the care, control and management of the land over which a main road is declared.

(3) The property in—

- (a) the materials of all main roads, and all live and dead timber and vegetation thereon, and all matters and things appurtenant thereto; and
- (b) all buildings, fences, gates, posts, boards, stones, erections, and structures placed upon any main road; and
- (c) the scrapings of any main road and all gravel, sand, and other material on any main road,

shall vest in the Commissioner. .

Section 15A
added.

4. The principal Act is amended by adding after section 15 a new section as follows—

Offences
relating to
damage and
litter.

15A. (1) No person shall cut, break, bark, root up or otherwise damage, destroy or remove the whole or any part of any timber, tree, sapling, shrub, undergrowth, or wildflower in or upon any main road without the prior consent in writing of the Commissioner except when such action is taken to remove a hazard.

(2) No person shall deposit any litter upon any main road.

Penalty: Two hundred dollars. .

5. Subsection (2) of section 16 of the principal Act is amended— Section 16 amended.

(a) by substituting for the word "The", in line one, the passage "Subject to the provisions of section fifteen of this Act, the"; and

(b) by substituting for the word "Minister", in line four, the word "Commissioner". .

6. The principal Act is amended by inserting after section 33A a new heading and new sections as follows— Sections 33B and 33C added.

Control of Advertisements.

33B. (1) The Governor may, on the recommendation of the Commissioner, make regulations for controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures, on or in the vicinity of main roads and controlled access roads, and for restricting, preventing or controlling the exhibition of advertisements and for the removal of advertisements on or in the vicinity of main roads and controlled access roads where such hoardings or other advertising structures are considered to be hazardous to traffic safety or are aesthetically objectionable and in the case of such hoardings or other advertising structures erected on private property where the property owner refuses either to remove the sign or transfer it to another site acceptable to the Commissioner. . Control of advertisements.

(2) (a) Any person dissatisfied with any direction given by the Commissioner under a regulation made under the provisions of this section may, within fourteen days after the direction is communicated to him, appeal in writing to the Minister.

(2) No person shall deposit any litter upon any main road.

Penalty: Two hundred dollars. .

5. Subsection (2) of section 16 of the principal Act is amended— Section 16 amended.

(a) by substituting for the word "The", in line one, the passage "Subject to the provisions of section fifteen of this Act, the"; and

(b) by substituting for the word "Minister", in line four, the word "Commissioner". .

6. The principal Act is amended by inserting after section 33A a new heading and new sections as follows— Sections 33B and 33C added.

Control of Advertisements.

33B. (1) The Governor may, on the recommendation of the Commissioner, make regulations for controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures, on or in the vicinity of main roads and controlled access roads, and for restricting, preventing or controlling the exhibition of advertisements and for the removal of advertisements on or in the vicinity of main roads and controlled access roads where such hoardings or other advertising structures are considered to be hazardous to traffic safety or are aesthetically objectionable and in the case of such hoardings or other advertising structures erected on private property where the property owner refuses either to remove the sign or transfer it to another site acceptable to the Commissioner. . Control of advertisements.

(2) (a) Any person dissatisfied with any direction given by the Commissioner under a regulation made under the provisions of this section may, within fourteen days after the direction is communicated to him, appeal in writing to the Minister.

(b) The Minister shall hear and determine such appeal and may appoint a committee to investigate and report on any matters referred to such committee by the Minister in connection with such appeal.

(c) The decision of the Minister on any such appeal shall be final and shall be given effect to by the parties.

Delegation
of powers
to local
authorities.

33C. (1) The Commissioner may—

(a) delegate to a local authority all or any of his powers and functions under a regulation made pursuant to the provisions of section thirty-three B of this Act; and

(b) vary or revoke a delegation given by him.

(2) A power or function delegated by the Commissioner may be exercised or performed by the delegate local authority—

(a) in accordance with the instrument of delegation; and

(b) if the exercise of the power or the performance of the function is dependent upon the opinion or belief of the Commissioner in relation to a matter—upon the opinion or belief of the delegate local authority in relation to that matter.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commissioner.

Section 35
amended.

7. Section 35 of the principal Act is amended by deleting the passage “to authorise local authorities to grant permission for the erection on main roads, in return for advertising concessions, of highway lighthouses or beacons, and regulations”, in lines eight to eleven.