



Australian Capital Territory

Public Roads Act 1902

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About this republication

The republished law

This is a republication of the *Public Roads Act 1902* effective from 11 May 1989 to 4 September 2001.

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AUSTRALIAN CAPITAL TERRITORY

**PUBLIC ROADS ACT 1902
(NEW SOUTH WALES)**

Reprinted as at 31 August 1992

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AUSTRALIAN CAPITAL TERRITORY

PUBLIC ROADS ACT 1902 (NEW SOUTH WALES)

An Act to consolidate the Acts relating to the opening, closing, survey, altering and improving of roads and the alignment and alteration of the alignment of streets in municipalities

Repeal, Savings and Interpretation

Short title

1. This Act may be cited as the *Public Roads Act 1902*.¹

Interpretation

6. In this Act, unless the context or subject-matter otherwise indicates or requires—

“Local newspaper” means a newspaper published or circulating in the Territory.

“Road”, wherever used in this Act, includes any land proclaimed, dedicated, resumed or otherwise provided before or after the passing of this Act, as a public thoroughfare or way and, wherever used in sections 18 to 20 (inclusive), also includes any land defined, reserved or left, before or after the passing of this Act, as a road in any subdivision of land of the Crown in right of the Commonwealth or the State of New South Wales or in the measurement or granting of any such land as indicated upon the official plans of the same.

Dedication of Roads

Lands reserved as roads may be declared public roads

18. The Minister may, by notification in the *Gazette*, declare any road to be a public road and, thereupon, the road shall be dedicated to the public accordingly and shall be withdrawn from any lease or licence from the Territory or Commonwealth under which it was held and no compensation shall be payable in respect thereof.

Closing of unnecessary roads

Notices of intention to close unnecessary road

19. (1) If the Minister is of opinion that it is expedient to close any road or part thereof, notice to that effect shall be published in the *Gazette* and in some local newspaper and written notice to the like effect shall be posted by registered letter to the owners or occupiers of all lands having frontage to the road or part thereof (as the case may be) if their names and addresses are known.

(2) Such a notice shall call upon all persons interested to set forth, in writing addressed to the Minister, within 1 month from the date of the publication thereof, any objections which may appear to them to exist to the closing of the road or the part thereof.

Closing of unnecessary road

20. (1) After due consideration of all such objections (if any), the Minister may, after the expiration of the month, by notification in the *Gazette*, close the aforesaid road.

(2) The lands comprised therein shall thereupon be freed and discharged from any rights of the public or any person to the same as a highway and shall become vested in the Commonwealth.

Re-marking Roads

Minister may re-mark

23. Whenever the position and boundaries of a road required for public traffic cannot be identified through the absence or loss of the survey marks, the Minister may cause the road to be re-marked.

Notice of re-marking of road to be published

25. (1) After the road has been re-marked as aforesaid, notice may be published in the *Gazette* and in some local newspaper setting forth generally the extent and direction of the road.

(2) Such notice shall—

- (a) refer to a plan of survey of the re-marking of the road;
- (b) state where the plan may be inspected;
- (c) state that it is intended, subject to consideration of any objections received, to approve the plan; and
- (d) call upon all persons interested to set forth, in writing, addressed to the Minister, within 1 month of the date of the notice, any objections they may have to the road as re-marked.

(4) After due consideration of all such objections (if any), the Minister may, by notice in the *Gazette* after the expiration of the month, approve the plan either with or without alteration and the road as re-marked according to the plan so approved shall represent and be deemed to be the original road.

Protection to Crown

29. No suit or action shall be maintainable against the Territory or Commonwealth for injury or damage resulting from any alignment or alteration of alignment under this Act.

Gazette notices

Gazette notice conclusive evidence of due publication

35. (1) The production of a copy of the *Gazette* or *Commonwealth Gazette* containing a notification purporting to be made under this Act shall, in all cases, be conclusive evidence of the due publication of the notification in accordance with the provisions of this Act and of the regularity of all proceedings relating thereto.

(2) The Minister may, by notification in the *Gazette* or *Commonwealth Gazette* (as the case requires), limit, correct or alter the terms of any such notification as aforesaid and such limitation, correction or alteration shall, unless otherwise specified, relate back to the date of the original notification.

Public Roads Act 1902

NOTE

1. The *Public Roads Act 1902* of the State of New South Wales (No. 95, 1902) as shown in this reprint was one of the laws in force in the Australian Capital Territory before 1 January 1911 and was therefore continued in force by the *Seat of Government Acceptance Act 1909* of the Commonwealth.

The text of the *Public Roads Act 1902* of the State of New South Wales in its application in the Territory as at 12 January 1987 comprises Part 5 of Schedule 2 to the *New South Wales Acts Act 1986* of the Territory (No. 91, 1986) as amended, for details of those amendments see (a).

The *Public Roads Act 1902* of the State of New South Wales in its application in the Territory has been amended since 12 January 1987 as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

- (a) The *Public Roads Act 1902*, in its application in the Territory, comprises the Public Roads Act 1902 as repealed in part by the *New South Wales Acts Application Ordinance 1985* and as amended by the *New South Wales Acts Act 1986*. The amendments made by the *New South Wales Acts Application Ordinance 1985* to the *Public Roads Act 1902* ceased to have effect by reason of its subsequent disallowance.

Sections 2-5, 7-17, 21, 22, 24, 26-28, 30-34 and 36 and the Schedule were repealed by the *New South Wales Acts Application Ordinance 1985*.

Subsections 18 (2), (3) and (4), 19 (3) and (4), 20 (3) and 25 (3) were omitted by the *New South Wales Acts Application Ordinance 1985*.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Ss. 18-20	am. No. 38, 1989
S. 25	am. No. 38, 1989
S. 29	am. No. 38, 1989
S. 35	am. No. 38, 1989