



**LOCAL GOVERNMENT (HIGHWAYS) AMENDMENT
ACT 1993**

No. 87 of 1993

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AN ACT to amend the *Local Government (Highways) Act 1982*

[Royal Assent 23 November 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Local Government (Highways) Amendment Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Local Government (Highways) Act 1982** is referred to as the Principal Act.

Section 4 amended (Categories of highways)

4—Section 4 of the Principal Act is amended by inserting after subsection (4) the following subsection:—

(4A) If a State highway ceases to be a State highway and becomes a local highway, it is maintainable by the corporation if—

(a) the corporation has agreed to maintain it;
or

(b) it ceased to be a State highway because a new State highway providing an alternative route has been constructed.

Section 14 amended (Closure and diversion of highways)

5—Section 14 (1) of the Principal Act is amended by omitting “Subject to this section where the corporation considers that a local highway is, or will become, unnecessary or can be diverted for the public benefit” and substituting “If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use”.

* No. 57 of 1982. Amended by No. 30 of 1983, No. 29 of 1984, No. 41 of 1987, No. 5 of 1990, Nos. 43 and 46 of 1991 and No. 24 of 1993.

Section 22 substituted

6—Section 22 of the Principal Act is repealed and the following section is substituted:—

Cost of certain works

22—(1) The Governor, by proclamation, may declare that the cost of certain works to a highway is to be paid by the State and the corporation in the proportion specified in the proclamation.

(2) A payment by the State is on such conditions as the Minister for State Highways may determine.

(3) For the purposes of subsection (1), “**certain works to a highway**” means work for the purposes of reconstructing or making good the whole or part of the carriageway of a local highway that—

- (a) is within a city area; and
- (b) is maintainable by a corporation; and
- (c) in the absence of a State highway, forms the primary traffic link between State highways.

(4) This section does not apply to work undertaken on a regular basis to maintain the operational effectiveness of a highway.

Section 23 amended (Special provisions as to bridges)

7—Section 23 of the Principal Act is amended as follows:—

- (a) by omitting subsections (1), (3) and (4);
- (b) by inserting in subsection (2) “or renewed” after “maintained”;
- (c) by inserting in subsection (2) “or renew” after “maintain”;
- (d) by omitting subsection (5) and substituting the following subsection:—

(5) The Minister for State Highways, in respect of a bridge declared under subsection (2) to be maintained or renewed by the State, has the same powers in relation to the maintenance or renewal of the bridge as the corporation would have if the bridge were maintainable or renewable by it.

*[Second reading presentation speech made in:—
House of Assembly on 20 October 1993
Legislative Council on 27 October 1993]*