

TASMANIA.



1944.

ANNO OCTAVO

GEORGII VI. REGIS.

No. 4.

ANALYSIS.

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AN ACT to amend the *Roads and Jetties Act 1935*. A.D. 1944
[31 October, 1944.]

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:—

1—(1) This Act may be cited as the *Roads and Jetties Act 1944*. Short title and citation.

(2) The *Roads and Jetties Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

* 26 Geo. V. No. 82, as amended by 2 & 3 Geo. VI. No. 70, 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 463.)

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Title.

2 The title of the Principal Act is amended by adding at the end thereof the words “and to make provision for the establishment and maintenance of aerodromes”.

Interpretation.

3 Section three of the Principal Act is amended—

(a) by deleting the definition of “country road” in subsection (1) and substituting therefor the following definition:—

“‘country road’ means a road not being or forming portion of a State highway or subsidiary road, but does not include a street in any town;”;

(b) by inserting after the definition of “State highway” in subsection (1) the following definition:—

“‘subsidiary road’ means a road in respect of which a proclamation declaring the same to be a subsidiary road for the purpose of Part II. is in force;”;

(c) by inserting after the word “Act” (first occurring) in subsection (3) the words “passed before the commencement of the *Roads and Jetties Act 1944.*”.

Power to
proclaim
State high-
ways and
subsidiary
roads.

4 Sections seven, eight, and nine of the Principal Act are repealed and the following sections substituted therefor:—

“7—(1) The Governor, on the recommendation of the Transport Commission, may, by proclamation, declare any road or any specified portion thereof to be a State highway or subsidiary road for the purposes of this Part, and in like manner may at any time declare that any such road, or any specified portion thereof, shall cease to be a State highway or subsidiary road.

(2) Every proclamation under this section shall have effect upon and from the date specified therein or, if no date is so specified, from the date of the gazettal of the proclamation.

(3) In any proclamation under this section which declares any road or portion thereof to be a subsidiary road, every subsidiary road to which the proclamation relates shall be classified as a—

- (a) main road;
- (b) secondary road;
- (c) developmental road; or
- (d) tourist road:

Provided that no road or portion thereof shall be classified as a main road or secondary road unless the Governor is satisfied, on the report of the Transport Commission, that the council of the municipality in which the road is situated has consented thereto.

Roads and Jetties.

“8—(1) All State highways and subsidiary roads shall be vested in His Majesty, and shall be under the control and direction of the Transport Commission. A.D. 1944.

(2) Except as otherwise provided, the Transport Commission shall cause all State highways and subsidiary roads to be maintained as it shall direct. Vesting of State highways and subsidiary roads.

(3) Subject to the provisions of section nine, the cost of the maintenance of all State highways and subsidiary roads shall be defrayed by the Commission out of moneys available to it for that purpose in accordance with section nineteen of the *Transport Act 1938** or provided by Parliament for that purpose.

“9—(1) Subject to this section, the council of each municipality shall pay annually, not later than the thirty-first day of December in each financial year, to the Transport Commission as a contribution towards the cost of the maintenance of subsidiary roads situated within the municipality an amount calculated as follows:— Contribution by councils to maintenance of certain subsidiary roads.

(a) the sum of twelve pounds ten shillings per annum for each mile of the subsidiary roads in the municipality classified as main roads on the first day of July in that financial year; and

(b) the sum of fifteen pounds per annum for each mile of the subsidiary roads in the municipality classified as secondary roads on the first day of July in that financial year.

(2) A council shall not be required to pay any contribution under this section in respect of any road which immediately prior to the commencement of this section was a State highway:

Provided that this subsection shall not apply to the old line of road in any case where a State highway existing immediately prior to the commencement of this section has been diverted.

(3) The amount of the contribution payable by a council to the Transport Commission under this section shall be a debt due and payable by that council to the Commission and shall be recoverable accordingly.”.

5 Section eighteen of the Principal Act is amended by adding at the end thereof the following subsection:— Maintenance of country roads.

“ (5) The Transport Commission may, in any case where it is satisfied that the council of a municipality is unable to maintain any country road in reasonable condition—

(a) maintain the road upon such terms as to division of cost as may be agreed upon between the Commission and the council; or

(b) pay to the council such proportion of the cost of the maintenance of the road as the Commission thinks fit.”.

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Gates across
by-roads.

- 6** Section twenty-four of the Principal Act is amended—
- (a) by omitting subsection (1); and
- (b) by omitting the words “, not being then a by-road,” in subsection (2).

7 After Part V. of the Principal Act the following Part is inserted:—

“PART VA.

AERODROMES.

Power to
establish
aerodromes.

“54E—(1) The Transport Commission may purchase, acquire, or take such land as it may deem necessary for the purposes of the establishment or extension of any aerodrome and may take leases of or acquire an easement over any land for that purpose.

(2) Upon land so purchased, acquired, or taken, the Transport Commission may provide or cause to be provided and maintained such facilities as may be required for the safe and efficient operation of aircraft within the State and between the State and points outside the State.

(3) Where any aerodrome is under the control or management of any person or authority other than the Transport Commission, the Commission may take over the control and management of the aerodrome upon such terms and subject to such conditions as may be agreed upon between the Commission and the person or authority.

(4) The Transport Commission may, in relation to any aerodrome referred to in subsection (3), exercise all the powers conferred by this section in relation to any aerodrome established by the Commission.

(5) The Transport Commission may maintain, extend, reconstruct, or close any aerodrome purchased, acquired, or taken under this section or under its control and management.

(6) The Transport Commission may make by-laws regulating the use of any aerodrome purchased, acquired, or taken under this section or under its control and management, and of any facilities thereon, and may prescribe charges to be paid by specified persons or classes of persons for the use of the aerodrome or of any facilities thereon.

(7) In this section, ‘aerodrome’ means any area used or intended to be used for the landing or departure of aircraft and includes any land acquired in connection with any water area so used or intended to be used and any public aviation station.

Application
of Lands
Resumption
Act 1910.

“54F—(1) Any land which the Transport Commission is empowered by this Part to purchase, acquire, or take may, subject to this section, be purchased, acquired, or taken under the *Lands Resumption Act 1910**.

* 1 Geo. V. No. 11, as amended by 10 Geo. V. No. 24, 22 Geo. V. No. 22, 26 Geo. V. No. 40, 4 Geo. VI. No. 11, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI. page 5.)

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(2) The *Lands Resumption Act* 1910, as modified by this section, is incorporated with this Part. A.D. 1944.

(3) The powers vested in the Minister under the *Lands Resumption Act* 1910 shall be vested, for the purposes of this Part, in the Transport Commission, and in the construction of that Act the words 'Transport Commission' shall be deemed to be substituted for the word 'Minister' wherever occurring therein.

(4) In the application of the *Lands Resumption Act* 1910 to this Part, land acquired for the purposes of this Part shall be deemed to be land required for a public purpose within the meaning of that Act.

"54G—(1) The Transport Commission may sell any land purchased, acquired, or taken by it and not required for the purposes of this Part. Sale of land acquired under this Part.

(2) Upon any such sale, the Governor may, in the name and on behalf of His Majesty, convey and alienate the land to the purchaser by way of deed of grant in accordance with sections seventy and seventy-one of the *Crown Lands Act, 1935**."

8 The sections of the Principal Act which are specified in the first column of the schedule are amended as respectively specified in the second column of that schedule. Consequential amendments.

THE SCHEDULE.

First Column. Section Amended.	Second Column. How Amended.
10	Insert after "State highway" (wherever occurring) "or subsidiary road".
11	Insert after "State highway" (wherever occurring) "or subsidiary road".
12	Insert after "State highway" (wherever occurring) "or subsidiary road," and insert after "highway" "or road".
13	Insert after "State highway" "or subsidiary road".
14	Insert after "State highway" (wherever occurring) "or subsidiary road".
15	Insert after "State highway" "or subsidiary road".
19	Insert after "State highway" "or subsidiary road".

* 26 Geo. V. No. 35, as amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, 7 Geo. VI. No. 57, and by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 1000.)

