

## No. 101 of 1957.

AN ACT to amend the *Roads and Jetties Act*  
1935. [23 December 1957.]

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* 1956. Short title and citation.

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

**2** Section three of the Principal Act is amended— Interpretation.

(a) by omitting the definition of “Bridge”;

(b) by inserting after the definition of “Country road” the following definition:—

“‘Line’, used in relation to a highway, means the strip of land subject, or to become subject, to the highway and includes a portion of the length or breadth of a line:”;

(c) by inserting after the definition of “Road authority” the following definition:—

“‘Service authority’ means a person having the charge and control of a system for supplying water, gas, or electricity, or of drainage or sewerage.”.

**3** Section four of the Principal Act is amended by omitting from paragraph IV of subsection (2) the words “Transport Commission” and substituting therefor the word “Minister”. State Highways Trust Fund.

**4** Section eight of the Principal Act is amended by adding at the end thereof the following subsections:— Vesting of State Highways and subsidiary roads.

“(3) For the purposes of carrying out maintenance on a State highway or subsidiary road—

I The Minister or a person authorized by him may close the State highway or subsidiary road wholly or to specified kinds of traffic: and

II A person acting under the authority of the Minister may close part of the State highway or subsidiary road to all traffic so long as there is left open a sufficient passage for ordinary traffic.

“(4) Where under subsection (3) of this section a road—

- I Is closed wholly or in part the Minister shall cause to be displayed on the fences by which it is closed sufficient red lamps by night and at the end of each closed section a notice setting forth by what authority it is closed: and
- II Is closed to specified kinds of traffic, the Minister shall cause to be displayed at either end of the closed section a notice to that effect specifying the kinds of traffic to which, and indicating by what authority, it is closed.

“(5) A person shall not, except for the purpose of maintenance of the road, go, or cause any animal or vehicle to go, along a road or part of a road—

- I Closed by fences under this section: or
- II Contrary to a notice displayed under paragraph II of subsection (4) of this section.

Penalty: Twenty pounds.”.

**5** After section nine of the Principal Act the following sections are inserted:—

“9A—(1) The Governor may, by proclamation, declare—

- I The intended new line of a State highway or subsidiary road: or
- II The intended line of a new State highway or subsidiary road,

by setting it forth in the proclamation or by reference to a plan lodged in the office of the Surveyor-General.

(2) The Minister shall within sixty days after the gazettal of a proclamation under this section—

- I If any lands thereby affected are under the *Real Property Act* 1862, lodge with the Recorder of Titles a copy of the proclamation, together with a plan showing the names of the registered proprietors of those lands and the volume and folium of their respective deeds of grant or certificates of title, and the Recorder shall thereupon enter a notice of the proclamation on the folium of the register book constituted by each of those deeds or certificates:
- II If any lands thereby affected are not under the *Real Property Act* 1862, lodge in the Registry of Deeds a memorial of the proclamation setting forth therein the names of the owners of those lands so far as the Minister can ascertain them together with a plan identifying those lands and showing their owners:

III Lodge with the Surveyor-General a copy of the proclamation: and

IV Give notice in such form as he thinks fit to the owners and occupiers of all lands affected by the proclamation or such of them as he can with reasonable diligence ascertain and notify within the sixty days.

(3) Where a plan is referred to as provided in subsection (1) of this section a copy thereof shall be annexed to or endorsed on the copy proclamation or memorial lodged under paragraph I or paragraph II of subsection (2) of this section and shall have added to it, if it does not already contain them, the details required by those paragraphs respectively.

(4) At the end of the sixty days referred to in subsection (2) of this section the relevant proclamation becomes effective in accordance with subsection (5) of this section.

(5) When a proclamation under this section becomes effective—

I The Town and Country Planning Commissioner and the local authority shall take notice of it for the purposes of—

- (a) Town planning:
- (b) Subdivision of land:
- (c) Minimum areas:
- (d) Distances of buildings from highways:
- (e) Drainage: and
- (f) New works:

II Buildings and other permanent improvements shall not be made on the intended line without the written consent of the Minister:

III If any land on the intended line becomes clear of buildings or other structural improvements, the owner thereof—

- (a) Shall notify the Minister forthwith: and
- (b) May require the Minister to acquire the land as provided in subsection (6):

IV The Minister may license the improvement of land on the intended line on such conditions as he thinks proper to ensure that—

- (a) Compensation for acquisition of the land will not be thereby increased: and
- (b) Construction of the highway on the intended line will not be more difficult:

V Any person whose land is injuriously affected by the proclamation is entitled to compensation which—

- (a) If not agreed upon, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*: and

(b) May be in the form of a lump sum or a yearly sum: and

VI Land on the intended line of the highway or a term of years therein may be purchased or taken in accordance with the provisions of the *Lands Resumption Act 1957* at any time, notwithstanding that there is no intention to proceed with the construction of the highway on the new line forthwith or at any definite time.

(6) Where the Minister is required to acquire land under paragraph III of subsection (5) of this section—

I He may elect to acquire the fee or a term of twenty-one years in the land:

II If he elects to acquire the fee—

(a) The price of the land, if not agreed upon, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*: and

(b) On the ascertainment of the price the owner shall tender to the Minister an executed deed of surrender or transfer to the Crown:

III If he elects to acquire a term—

(a) The rent of the land, if not agreed upon, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*: and

(b) The conditions of the lease shall be such as the parties agree upon, and if the parties cannot agree either party may apply to a judge in chambers in a summary way to settle the form of the lease, and the judge may do so as he thinks reasonable and may order costs: and

(c) Upon the ascertainment of the rent and conditions the owner shall tender to the Minister an executed deed of demise to the Minister and counterpart or an executed memorandum of lease to the Minister, as the case may require: and

IV An owner required by this subsection to tender an instrument—

(a) Is entitled to be paid by the Minister his costs of and incidental to the preparation, execution, and registration of that instrument: and

(b) Shall, in the case of land under the *Real Property Act 1862*, do everything necessary for registration of the transfer or memorandum of lease.

(7) A licence under paragraph IV of subsection (5) of this section overrides in respect of manner of construction and type or use of buildings a provision of the Building Regulations, a by-law, or a restrictive covenant to the contrary.

(8) If—

I By an instrument registered in the Registry of Deeds or under the *Real Property Act* 1862 an estate or interest is assured in land that is affected by a proclamation under this section a memorial of which has been lodged as provided in subsection (2) of this section: and

II The registration of the proclamation before the registration of the firstmentioned instrument would not be disclosed by a reasonable and proper search in that Registry or in the office of the Recorder of Titles, as the case may be,

the person to whom the estate or interest is assured or his successor in title is entitled to compensation by the Minister.

“9B—(1) The Minister may on fourteen days’ notice to the occupier of any land—

Power to enter and make highways.

I By warrant under his official seal authorize persons to enter on that land with or without animals, vehicles, machinery, and plant and there set out and construct roads and other works connected with highways: and

II By notice published in the *Gazette* declare any road so constructed together with any land at the side which he intends to be used in connection therewith a highway.

(2) Upon the publication of a notice under subsection (1) of this section a highway shall for all purposes be deemed to exist accordingly and the Minister shall in the case of land subject to the *Real Property Act* 1862 cause—

I The highway to be registered under section twenty-eight B of the *Real Property Act* 1886: or

II The land subject to the highway to be purchased or taken under the provisions of the *Lands Resumption Act* 1957,

except where a proclamation under section nine D is used to the same end.

(3) The Minister may make compensation for anything done under subsection (1) of this section and its consequences, but if a person claiming such compensation is dissatisfied with the amount offered by the Minister or with the Minister’s delay in making an offer he may by notice in writing require the Minister to purchase or take the land affected and the consideration or compensation payable therefor shall then include compensation for anything so done and its consequences.

(4) The Minister on being required to purchase or take under subsection (3) of this section may elect to proceed under section nine D and compensation shall then be made

under that section to include the compensation otherwise specially payable under subsection (3).

(5) For the purposes of subsection (1) of this section notice to the occupier of land—

I Is intended to enable him to do what is necessary for the benefit of his stock or other property and affairs when the entry and construction takes place:

II Shall be in writing:

III May, where the occupier is absent or not a natural person, be given to his manager, overseer, or other person apparently in charge of his affairs in connection with the land: and

IV Where the land is unoccupied may be addressed to 'the occupier' without naming him and posted in a conspicuous place on the land, and shall then be deemed to have been given to the occupier of the land.

(6) Where an occupier who receives a notice for the purposes of subsection (1) of this section occupies as a tenant or licensee he shall forthwith pass on the notice to his landlord or licensor and where that landlord or licensor does not hold immediately of the Crown the same rule shall be followed until the notice reaches the person holding immediately of the Crown.

Realign-  
ment of  
highways.

"9C—(1) The Minister may alter the line of a State highway or subsidiary road in accordance with this section.

(2) The Minister may exclude the public from any part of the new line of the highway lying outside the old line, notwithstanding any dedication thereof as a highway, until reconstruction is completed.

(3) So long as a sufficient way is provided for the normal traffic on the highway the Minister may exclude the public from any part of the existing line of the highway required for reconstruction.

(4) When the construction of the highway on the new line is complete the Minister may, subject to subsection (5) of this section, close off all portions of the old line of the highway not within the new line.

(5) The Minister shall not under subsection (4) of this section obstruct the access to the new line of the highway of any person who had access to the old line, but may determine how and where that access is to be given, and for the purpose of anticipating action under section nine D may acquire a right of way for a private person over another person's land as if it were a public right of passage.

"9D—(1) Upon, or in anticipation of, the completion of action under section nine C in respect of a length of a State highway or subsidiary road the Governor may, by proclamation in accordance with this section, bring the boundaries of adjacent and nearby lands into conformity with the new alignment. Simplified conveyancing on realignment.

(2) Subject to the provisions of subsections (3) and (4) of this section a proclamation may—

I Vest in the owner of specified land land of the Crown—

(a) Within either line of the highway: or

(b) Reserved or acquired for the highway and not within either line,

subject to the highway, in the case of land within the new line:

II Divest from its owner land within the new line of the highway and vest it in the Crown or without affecting its vesting declare it to be subject to the highway: and

III Divest from its owner land severed by the new line of the highway and vest it in the owner of specified land.

(3) An owner in whom land may be vested under subsection (2) of this section shall be the owner of land adjoining the land so vested.

(4) Land may be dealt with under paragraph III of subsection (2) of this section only if the Surveyor-General is of opinion that—

I The severed land cannot reasonably be enjoyed in its severed condition by one owner not owning adjoining land: or

II While one of the severed portions is sufficient to be enjoyed independently of any other land the other portion (being that dealt with) cannot reasonably be enjoyed therewith.

(5) A proclamation under this section shall be registered—

I If it affects any land not under the *Real Property Act 1862*, as a deed in the Registry of Deeds: and

II If it affects any land under that Act, in the office of the Recorder of Titles as prescribed under that Act,

and if required by this section to be registered in both places shall be so registered on the same day.

(6) Upon the registration of a proclamation under this section it operates—

I To vest in the Crown any land thereby expressed—

(a) So to vest: or

(b) To be divested from its owner,

as if that land were then duly surrendered by the most effectual assurance by a person having full power so to do:

- II To make subject to the highway any land thereby expressed to be subject as if then duly dedicated as a highway by a person having full power so to do and duly accepted for that purpose: and
- III To vest in the owner of specified lands any land thereby expressed so to vest as if then duly granted by Her Majesty to that owner upon the same terms and conditions as the specified land is then held of the Crown to the intent that there will be no difference between his estate and interest in either piece of land.

(7) Upon the registration of a proclamation under this section—

I The Surveyor-General and Secretary for Lands shall note or amend the public records under his control in conformity with the proclamation: and

II The Recorder of Titles shall, if the proclamation is registered in his office, at the first opportunity—

(a) Amend documents of title kept or lodged with him: or

(b) Cancel such documents then existing and make, and in proper cases issue, new documents,

in accordance with the proclamation or its consequences.

(8) Where a proclamation under this section operates to diminish the extent of any lands the rights of mortgagees and other encumbrancers therein and of persons holding under the owner thereof continue otherwise unchanged in respect of the diminished extent subject to subsection (12) of this section.

(9) Where a proclamation under this section operates to add to the extent of any lands the rights of mortgagees and other encumbrancers therein and of persons holding under the owner thereof extend to the added lands subject to subsections (10) and (12) of this section.

(10) Where a proclamation under this section operates to convey a piece of land from one owner to another that piece remains subject to any easement or profit a prender affecting it unless the proclamation otherwise provides.

(11) Notwithstanding any other provision of this section a proclamation thereunder may be expressed and operate to extend, diminish, or shift the incidence of, an easement and to provide for any interest in land not otherwise in this section provided for.

(12) A person whose estate or interest in land is destroyed or diminished by the operation of a proclamation under this section is entitled to compensation under the *Lands Resumption Act 1957* so far as his loss is not made up for by some benefit accruing to him under the proclamation.



(13) The Minister may for a consideration in money or land agree that some benefit will be provided by a proclamation under this section.

(14) An agreement under subsection (13) of this section may be enforced—

- I By the Crown against the other party by action for the consideration: and
- II By the other party against the Crown by action for damages for breach.

(15) Where land which might be dealt with under this section has been taken under the *Lands Resumption Act 1910*, the Minister upon payment of reasonable interest may withhold compensation and stop proceedings in respect thereof for the purpose of dealing with or affecting the matter under this section, and subsection (12) will then apply to the compensation.

“9E—(1) Where a portion of a piece of land may be purchased or taken for a State highway or subsidiary road leaving a portion—

Power to acquire and dispose of land adjoining a highway.

- I Which in the opinion of the Surveyor-General cannot reasonably be enjoyed by an owner not owning adjoining land: and
- II Of which the owner does not in fact own any adjoining land, or owns only adjoining land of which the ownership will not in the opinion of the Surveyor-General enable him reasonably to enjoy the portion left,

the whole piece of land may be purchased or taken as for the purpose of the State highway or subsidiary road.

(2) Surplus land acquired under this section may be disposed of to an adjoining owner by way of—

- I Sale: or
- II Compensation for land from him acquired for the State highway or subsidiary road.”.

**6** Section eleven of the Principal Act is repealed and the following section is substituted therefor:—

“11 Where in a city, town, or village there is a footpath on one side or both of a State highway or subsidiary road—

Maintenance of State highways, &c., in cities, &c.

- I The Minister is bound only to maintain—
  - (a) In the case where there are two paved carriage ways divided by a median strip, the paved carriage ways and the surface lying between them:
  - (b) In the case of a single undivided paved carriage way, a paved carriage way not exceeding twenty-four feet in width: and
  - (c) The culverts and bridges over which the State highway or subsidiary road runs: and

II The remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained by the local authority.”.

Power of Minister to require removal, &c., of water mains and service pipes.

**7** Section twelve of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “as defined by this Act”;
- (b) by inserting in paragraph II of subsection (1) after the word “thing” the words “or by reason of leakage from any such thing”; and
- (c) by omitting from that subsection the word “itself” and substituting therefor the word “himself”.

**8** After section twelve of the Principal Act the following section is inserted:—

Removal of water mains, &c., on alteration of road.

“12A—(1) Where the Minister is about to alter the line or level of a State highway or subsidiary road or the paved portion thereof he may require, by notice in writing, any service authority, or any person having the charge or control of any water-supply main or service pipe, or any passage, tunnel, or other thing placed in, on, or under that road to move it clear of his proposed work as set forth in the notice.

(2) A person complying with a notice under this section is entitled to be repaid his reasonable costs and expenses by the Minister.”.

Excavation by certain authorities.

**9** Section thirteen of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “corporation, body, or person having the charge and control of any water-supply, sewerage, gas service, or electrical undertaking (hereinafter called “service authority”)” and substituting therefor the words “service authority”;
- (b) by omitting from that subsection the words “the pavement of”;
- (c) by inserting after subsection (1) the following subsections:—

“(1A) Where consent is sought under subsection (1) of this section the Minister or such other officer as aforesaid may make his consent conditional on the placing of any new works by the service authority in the excavation where in his opinion they will not interfere with possible future construction of roads and bridges by the Minister.

“(1B) If a service authority places new works—

I In an excavation made without the consent of the Minister: or

II Otherwise than in accordance with the conditions of the Minister's consent to an excavation,

the Minister may require the service authority to remove those works or alter them to comply with any conditions he might have imposed and if the service authority does not comply within a reasonable time the Minister may do the required work and recover the cost as certified by the Director of Public Works from the service authority."; and

(d) by omitting subsections (4) and (5) and substituting therefor the following subsection:—

"(4) Nothing in this section absolves a service authority from liability for negligent acts or omissions in relation to an act authorized by this section."

**10** Section fourteen of the Principal Act is amended— Regulation of electric wires.

(a) by inserting in subsection (1) at the end thereof the words "or beneath any stay-wire or other erection connected therewith"; and

(b) by inserting in subsection (3) at the end thereof the words "except in the case of a pole or tower attached to a structure erected by the Minister or some previous highway authority, in which case the cost of removal from or attachment to the structure shall not be paid out of the Fund but shall be borne by the service authority".

**11** Section fifteen of the Principal Act is amended by inserting in subsection (1) after the word "towers" the words "the mains or wires carried thereby, and the stays thereof". Regulation of erection of poles, &c., for electric mains, &c.

**12** After section fifteen of the Principal Act the following sections are inserted:—

"16 —(1) Structures shall not be erected or placed and other works shall not be done in a State highway or subsidiary road without the consent in writing of the Minister. Works in highways.

Penalty: Five hundred pounds.

(2) This section—

I Extends to local authorities acting under section eleven:

II Does not authorize a common nuisance:

III Does not affect the operation of Chapter XV of the *Criminal Code*: and

IV Does not affect civil remedies.

(3) The Minister's consent under this section may be, at his discretion, granted absolutely or on condition, withheld, or withdrawn.

(4) Where the Minister's consent is withdrawn, whether for breach of condition or otherwise, the person who erected, placed, or did the work consented to and his assigns shall

forthwith at his or their own cost remove or undo the work and restore the surface of the road in a proper and workman-like manner to the satisfaction of the Minister.

Penalty: Five hundred pounds.

Temporary closing of State highways and subsidiary roads.

“16A—(1) The Minister or some officer authorized by him in that behalf may where a State highway or subsidiary road has become unsafe for traffic close it wholly or in part until it has been repaired and made fit for traffic.

(2) Where a State highway or subsidiary road has become unsafe only for some kinds of traffic, the authority mentioned in subsection (1) of this section may without closing it forbid the passage thereof, by notices, in a form approved by the Minister by notice published in the *Gazette*, put up at or near the places past which the relevant traffic is forbidden to go, to the kinds of traffic for which it is unsafe until it has been repaired and made fit for those kinds of traffic.

(3) Where a State highway or subsidiary road is closed under this section the Minister shall cause to be displayed on the fences by which it is closed sufficient red lamps by night to warn traffic and at either end of each closed section a notice setting forth by what authority it is closed.

(4) A person shall not, except for the purpose of the repair of the road, go or cause an animal or vehicle to go along a road—

I Closed under subsection (1): or

II Contrary to a notice put up under subsection (2) of this section.

Penalty: Twenty pounds.

(5) The powers conferred by this section may be used to stop or restrict traffic for which a State highway or subsidiary road is not unsafe but which will in the opinion of the authority mentioned in subsection (1) by using a State highway or subsidiary road which is damaged by flood, rain, or other cause make its repair cost too much or take too long.”

**13** After section seventeen of the Principal Act the following sections are inserted in Part II:—

Boundaries of State highways and subsidiary roads.

“17A—(1) Where the boundary of a State highway or subsidiary road is disputed or uncertain the Minister may obtain a writ out of the Supreme Court setting out that the highway therein described is a State highway or subsidiary road, as the case may be, where the boundary is disputed or uncertain, and the landowners concerned, and directing a Police Magistrate to inquire into and determine the true boundary and to return his finding into the Court.

(2) The Police Magistrate named in such a writ may summon before him the Minister and the landowners named therein and inquire accordingly as if the matter were before him on a complaint by the Minister under the *Justices Procedure Act 1919*, and when by his inquiry he has found what is the true boundary he shall make a return to the writ accordingly.

(3) If on an inquiry under this section it appears to the Police Magistrate making it that the true boundary is unknown he shall fix the boundary where he thinks it ought to be, in the light of the evidence adduced by the parties before him and in fairness to all concerned, and the boundary fixed by him shall, subject to any traverse taken in the Supreme Court, be deemed to be the true boundary for all purposes including the rectification of public records.

(4) When—

I The time within which to traverse the return to the writ is expired: or

II Where the return is traversed, the subsequent proceedings are at an end,

the Minister shall take all proper steps for the rectification of public records in accordance with the return.

(5) Rules of court may be made for the purposes of this section and so far as no rules of court extend the procedure pursuant to a writ issued under this section shall, subject to the express provisions of this section, be like the procedure of the Supreme Court in matters formerly on the Crown side of the Court of Queen's Bench.

“17B—(1) An owner or occupier of land adjacent to a State highway or subsidiary road shall not do anything to concentrate the natural drainage of the land on to the State highway or subsidiary road without the consent, in writing, of the Minister.

Discharge of concentrated drainage on to roads.

Penalty (saving other remedies): One hundred pounds.

(2) The road authority of a road running into a State highway or subsidiary road shall not do any works by means of which the natural drainage from its road is carried or will run into a drain or culvert on or connected with the State highway or subsidiary road without the consent, in writing, of the Minister.

(3) The Minister's consent under this section may be subject to conditions.

(4) Without prejudice to the generality of subsection (3) of this section the Minister may make a condition of his consent that the person requiring the consent shall—

I As directed by the Minister and under the supervision and to the satisfaction of an officer designated by him enlarge a drain or culvert on or connected with the State highway or subsidiary road to the extent which the Minister thinks necessary to carry the additional drainage: or

II Pay the Minister the cost incurred by him in carrying out such enlargement.

(5) Where concentrated natural drainage is discharged on to a State highway or subsidiary road contrary to this section or in breach of a condition of the Minister's consent the Minister may by his name of office sue the person responsible therefor as if he were the owner of the State highway or sub-

subsidiary road and may in addition to any other remedy recover as damages the amount that he will be required to spend on and in connection with drains and culverts if the concentrated drainage continues to discharge upon the State highway or subsidiary road.

Sullage drain-  
ing on to  
roads.

“17C—(1) No person shall cause or suffer any drainage other than water naturally on land from rain, snow, natural flow in watercourses or over the ground, or soakage to flow into any drain on, or draining, a State highway or subsidiary road without the consent in writing of the Minister.

Penalty (saving other remedies) : One hundred pounds.

(2) The Minister's consent under this section may be subject to conditions.

(3) Where drainage flows in a drain on, or draining, a State highway or subsidiary road contrary to this section the Minister may by notice in writing require the person responsible to keep the drainage out of any drain on, or draining, a State highway or subsidiary road, and if that person fails or neglects to comply for thirty days after receiving the notice the Minister may by notice in writing require the local authority to take proper steps to that end within ninety days, and if the local authority does not do so the Minister may do so, charging the cost to the Fund in the first place and recovering it from the person responsible.

(4) For the purposes of subsection (3) of this section the cost—

I Is ascertainable by the certificate of the Director of Public Works: and

II When so ascertained is recoverable as a debt.

(5) This section—

I Applies to councils having the control of roads:

II Does not authorize a nuisance: and

III Does not affect civil remedies or the operation of—

(a) Chapter XV of the *Criminal Code* :

(b) The *Public Health Act 1935* :

(c) Section fifteen of the *Police Offences Act 1935* : or

(d) Any other enactment, regulation, or by-law for the preservation of health or the suppression of nuisances.

(6) The Minister shall not be deemed to be a party to the creation or continuance of a nuisance merely because he has given a consent under this section to something constituting, or contributing to, a nuisance.”.

**14** Section twenty of the Principal Act is repealed and the following section is substituted therefor:—

Provision for  
cost of repair-  
ing bridges  
and culverts.

“20—(1) Notwithstanding anything in this Act to the contrary, the cost of the repair or renewal of a bridge upon,

or used in connection with, a country road shall be borne or provided for as follows:—

I Where the cost of renewal of the bridge exceeds seventy pounds—

- (a) the cost of repairs thereto shall be borne by the Minister: and
- (b) the cost of renewal of the bridge (including the cost of the roadworks required in connection with its renewal) shall be borne by the Minister:

II Where such cost does not exceed seventy pounds, the cost of repair or renewal thereof shall be wholly borne by the corporation of the municipality concerned.

(2) For the purposes of this section, 'bridge' includes culvert, and the cost of renewal of a bridge does not include the cost of renewing the approaches, or the causeway and works giving access, to a bridge."

**15** Section twenty-seven of the Principal Act is amended—

- (a) by inserting in subsection (1) before the word "widening" the word "constructing"; and
- (b) by omitting from that subsection the words " , or of constructing, widening, diverting, altering, or improving any street in a town or village in its municipality".

Councils may acquire land for road purposes.

**16** Section forty-three of the Principal Act is amended by inserting after the word "discharged" the words "onto the road or".

Discharge of concentrated drainage from land adjacent to road.

**17** Section forty-nine of the Principal Act is amended by omitting paragraph II of subsection (1) and substituting therefor the following paragraph:—

Obstructing roads: Notice to remove obstructions.

"II Fill up or obstruct—

- (a) A drain in under or along: or
- (b) A drain or watercourse made by the Minister or a council through land adjoining or near,

a road for the purpose of draining that road:".

**18** After section fifty-two of the Principal Act the following Part is inserted:—

#### "PART IVA.

##### "LIMITED ACCESS TO ROADS.

"52A—(1) The Governor may, by proclamation, declare any State highway or subsidiary road, or part thereof to be a 'limited access road'.

Proclamation of limited access.

(2) A proclamation under this section may be combined with a proclamation under section nine A and will then become effective upon the opening of the highway in accordance with the latter proclamation.

(3) A proclamation under this section shall set forth the places of access for the purposes of section fifty-two B.

Effect of  
proclamation.

“ 52B—(1) A limited access road, whether or not it is a highway when the proclamation declaring it to be a limited access road becomes effective, is—

I A highway for vehicles (other than bicycles) to pass and repass—

(a) From end to end:

(b) From one end to a proclaimed place of access: or

(c) From one proclaimed place of access to another: and

II A general highway for passengers on foot, on bicycles, or on horses or other riding animals.

(2) No person shall make means of access for vehicles other than bicycles, wheelbarrows, and baby-carriages, to cross the side boundary of a limited access road elsewhere than at a proclaimed place of access.

Penalty: Fifty pounds.

(3) No person shall cause a vehicle, other than a bicycle, wheelbarrow, or baby-carriage, to cross the side boundaries of a limited access road elsewhere than at a proclaimed place of access.

Penalty (saving civil remedies): Twenty-five pounds.

(4) Where—

I There are means of access made in contravention of subsection (2) of this section: or

II There is a place frequently used in contravention of subsection (3) of this section,

the Minister may erect on the side boundary of the limited access road a fence sufficient to prevent the contravention of subsection (3) and recover contribution to its erection and repair in accordance with the provisions of the *Boundary Fences Act 1908*.

(5) Loose animals may be driven on limited access roads in accordance with a permit issued by a police officer within the meaning of the *Police Regulation Act 1898*, but a person who otherwise causes or suffers a horse, mule, hinny, donkey, ox, sheep, pig, or other cattle or a turkey, goose, duck or other domestic fowl to be driven or at large on a limited access road is liable to a penalty (saving civil remedies) of twenty-five pounds.

Compensa-  
tion.

“ 52C—(1) A person whose land is injuriously affected by the proclamation of a limited access road is entitled to compensation, which compensation, if not agreed upon, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*.



(2) The Minister may license a person claiming compensation under this section and persons coming to and leaving his land to cross his common boundary with the limited access road elsewhere than at a proclaimed place of access.

(3) A licence under subsection (2) of this section—

- I May be subject to limitations and conditions in respect of the persons licensed and the duration and mode of enjoyment:
- II Is full or partial satisfaction of the claim for compensation according to its value to the land affected: and
- III Operates to make any crossing in accordance therewith equivalent to crossing at a proclaimed place of access.

“52D—(1) Except in the case of a piece of land to which belongs access to it under section fifty-two A or section fifty-two C—

Effect on building laws.

- I A limited access road is not a public street for the purposes of section one hundred and twenty-two of the *Public Health Act 1935*: and
- II Frontage on a limited access road shall not be deemed to be frontage on a highway of any kind for the purposes of any enactment, regulation, by-law, or other provision intended to secure vehicular access to houses or other buildings.

(2) For the purposes of this section a provision requiring lands, houses, or other buildings to have a frontage to any kind of highway for vehicles shall be deemed to be intended to secure vehicular access to houses or other buildings unless a contrary intention appears.

“52E—(1) The Minister may make roads and other works, alter existing roads and other works, and stop up existing roads—

Local access roads.

- I For the convenience of lands—
  - (a) Deprived of existing access: or
  - (b) Rendered unable to obtain access, to a highway by reason of the proclamation of a limited access road: or
- II So as to make the road system of its neighbourhood agree with the scheme of a limited access road.

(2) For the purposes of this section the Minister may—

- I Exercise over the roads and works hereby affected the same powers as if those roads were State highways: and
- II Carry roads under or over the limited access road or one another,

and the Governor may in the name and on behalf of His Majesty by letters patent, proclamation, or otherwise as the case may require, dispose of lands, works, and the control of roads and of viaducts over and tunnels under the limited access road.

(3) A person whose land is injuriously affected by an act of the Minister under this section is entitled to compensation therefor, which compensation if not agreed upon shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*."

**19** Section fifty-three of the Principal Act is repealed and the following section is substituted therefor:—

Control and management of certain jetties vested in the Minister.

"53 The control and management of all jetties under the control and management of the Transport Commission at the commencement of this section is vested in the Minister."

Powers of Commission in respect of such jetties.

**20** Section fifty-four of the Principal Act is amended—

(a) by omitting the words "Transport Commission" and substituting therefor the word "Minister"; and

(b) by omitting the word "it" and substituting therefor the word "him".

Transport Commission may close jetty.

**21** Section fifty-four c of the Principal Act is amended—

(a) by omitting the words "Transport Commission" and substituting therefor the word "Minister"; and

(b) by omitting the word "Commission" and substituting therefor the word "Minister".

**22** Section fifty-four D of the Principal Act is repealed and the following section is substituted therefor:—

Power to lease unused jetties.

"54D—(1) Where in the opinion of the Minister a jetty the control and management of which is vested in him under this Part is not required for public use, he may grant a lease of the jetty to any person for such term, at such rent, and on such conditions, as he thinks fit.

(2) Where in the opinion of the council a jetty the control and management of which is vested in it under this Part is not required for public use, the corporation may grant a lease of the jetty to any person for such term, at such rent, and on such conditions, as it thinks fit."

Power to establish aerodromes.

**23** Section fifty-four E of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) The Transport Commission may purchase or take an estate or term in, or an easement over, such land as it may deem necessary for the purposes of the establishment or extension of an aerodrome."

(b) by omitting from subsection (2) the word ", acquired,"; and

(c) by omitting from subsection (6) the word ", acquired,".

- 24** Section fifty-four F of the Principal Act is amended— Application of Lands Resumption Act 1910.
- (a) by omitting from subsection (1) the words “, acquire,” “, subject to this section,” and “, acquired,”;
  - (b) by omitting from that subsection the words “*Lands Resumption Act 1910*” and substituting therefor the words “*Public Authorities’ Land Acquisition Act 1949*”;
  - (c) by omitting from subsection (2) the words “*Lands Resumption Act 1910*, as modified by this section,” and substituting therefor the words “*Public Authorities’ Land Acquisition Act 1949*”; and
  - (d) by omitting subsections (3) and (4).
- 25** Section fifty-four G of the Principal Act is amended— Sale of land acquired under this Part.
- (a) by omitting from subsection (1) the word “, acquired,”; and
  - (b) by omitting subsection (2) and substituting therefor the following subsection:—
 

“(2) Any lands acquired for the purposes of this Part under the *Lands Resumption Act 1910* and vested in the Crown for those purposes at the commencement of the *Roads and Jetties Act 1957* shall be granted to the Transport Commission on its petition to the Governor therefor.”.
- 26** Section fifty-five of the Principal Act is amended— Regulations.
- (a) by omitting from subsection (2) the words “Transport Commission” and substituting therefor the word “Minister”; and
  - (b) by omitting from that subsection the word “it” (first occurring) and substituting therefor the word “him”.

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## FIRE BRIGADES.

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No. 102 of 1957.

AN ACT to amend the *Fire Brigades Act 1945*.  
[23 December 1957.]

**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 *Fire Brigades Act 1957*. Short title and citation.

(2) The *Fire Brigades Act 1945*, as subsequently amended, is in this Act referred to as the Principal Act.