

ROADS AND JETTIES AMENDMENT ACT 1985

No. 35 of 1985

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TASMANIAN STATE SERVICE ACT
1984.

SCHEDULE 3

AMENDMENTS CONSEQUENTIAL
UPON THE ENACTMENT OF THE
TASMANIAN STATE SERVICE ACT
1984.



ROADS AND JETTIES AMENDMENT ACT 1985

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 No. 35 of 1985
 —————

 AN ACT to amend the Roads and Jetties Act 1935.

[Royal Assent 14 May 1985]

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—This Act may be cited as the *Roads and Jetties Amendment Act 1985*. Short title.

2—(1) Where this Act receives the royal assent before the day fixed under section 2 (2) of the *Tasmanian State Service (Miscellaneous Amendments) Act 1984*, this Act, other than section 27 (2) and Schedule 3, shall commence on the day on which it receives the royal assent and section 27 (2) and Schedule 3 shall be repealed on that last-mentioned day. Commence-ment.

(2) Where this Act receives the royal assent on or after the day fixed under section 2 (2) of the *Tasmanian State Service (Miscellaneous Amendments) Act 1984*, this Act, other than sections 6, 18, and 27 (1) and Schedule 2, shall commence on the day on which it receives the royal assent and sections 6, 18, and 27 (1) and Schedule 2 shall be repealed on that last-mentioned day.

Principal Act.

3—In this Act, the *Roads and Jetties Act 1935** is referred to as the Principal Act.

Amendment of section 3 of Principal Act (Interpretation).

4—(1) Section 3 (1) of the Principal Act is amended as follows:—

(a) by inserting the following definition before the definition of “country road”:—

“construction”, in relation to a road, includes—

- (a) the reconstruction or realignment of the road;
- (b) the bringing of the road to a higher standard;
- (c) investigation and associated engineering studies in connection with—
 - (i) the construction, reconstruction, or realignment of the road;
 - (ii) the bringing of the road to a higher standard; or
 - (iii) the planning of alternative routes for the road;
- (d) the acquisition of land for the purpose of—
 - (i) constructing, reconstructing, or realigning the road; or
 - (ii) bringing the road to a higher standard; and

* 26 Geo. V No. 82. For this Act, as amended to 1st March 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980, No. 67 of 1981, Nos. 51 and 99 of 1982, and Nos. 84 and 86 of 1984.

- (e) the doing of any other thing in relation to a matter specified in paragraph (a) or (b),
but does not include the maintenance of the road;
- (b) by inserting the following definition after the definition of “country road”:—
- “Crown lands contract” means a contract made under the *Crown Lands Act 1976* or a corresponding previous enactment;
- (c) by omitting paragraph (a) of the definition of “maintenance” and substituting the following paragraph:—
- (a) a road, means all works which are required for the preservation and upkeep of the road or its associated works, but does not include any works for the reconstruction of the road; and
- (d) by omitting the definition of “road” and substituting the following definitions:—
- “Register” means the register of title to land kept under the *Land Titles Act 1980*;
- “road” means a public highway and includes—
- (a) a road sign;
 - (b) traffic control equipment;
 - (c) street lighting equipment;
 - (d) a vehicular ferry;
 - (e) a bridge or tunnel, including a bridge or tunnel for the use of pedestrians;
 - (f) a path for the use of persons riding bicycles;
 - (g) a ramp to facilitate the launching of boats;
 - (h) vehicular access from a road to a ramp referred to in paragraph (g), being vehicular access;
 - (i) a fence erected, at the cost of the Crown or a municipality, for the protection of traffic, being a fence;

- (j) a culvert;
 - (k) a kilometre post; and
 - (l) a milestone,
- that is associated with such a highway;

(2) Section 3 of the Principal Act is further amended by omitting subsection (2).

Insertion in
Principal Act
of new
Part IA.

5—After section 3 of the Principal Act, the following Part is inserted:—

PART IA

POWERS AND FUNCTIONS OF MINISTER IN RESPECT OF CERTAIN COMMONWEALTH ACTS

Interpretation:
Part IA.

3A—In this Part, “ Commonwealth Act ” means the *Roads Grants Act* 1981 of the Commonwealth or any other Commonwealth Act providing funds for the State for road purposes.

Powers and
functions of
Minister in
respect of
certain
Commonwealth
Acts.

3B—The Minister—

- (a) has and may exercise all the powers of a State or a Minister of a State conferred by a Commonwealth Act; and
- (b) shall perform all the functions of a State or a Minister of a State required to be performed under a Commonwealth Act.

Insertion in
Principal Act
of new
Part IB.

6—After Part IA of the Principal Act (as inserted by section 5), the following Part is inserted:—

PART IB

APPOINTMENT AND EMPLOYMENT OF EMPLOYEES BY MINISTER

Power of
Minister to
appoint and
employ
employees
for certain
purposes.

3C—(1) The Minister may appoint and employ such employees as he considers necessary for the exercise and performance by the Minister of his powers and functions under this Act or any other Act.

(2) The terms and conditions of employment (including remuneration, allowances, and leave) of persons appointed and employed under subsection (1) shall, subject to any industrial award made under an Act of Tasmania or the Commonwealth relating to persons engaged in the work for which they are appointed and employed, be determined by the Minister, on the recommendation of the Director.

(3) The provisions of the *Public Service Act 1973* do not apply to a person appointed and employed under subsection (1).

(4) A person appointed and employed under subsection (1) shall be deemed to be an employee for the purposes of the *State Employees (Long-Service Leave) Act 1950*.

(5) For the purposes of this section, "industrial award" includes an industrial agreement having the force of an industrial award made under an Act of Tasmania or the Commonwealth.

7—Section 4 (2) of the Principal Act is amended as follows:—

Amendment of
section 4 of
Principal Act
(State
Highways
Trust Fund).

(a) by omitting paragraph (a) and substituting the following paragraph:—

(a) all money received by the State from the Commonwealth under the *Roads Grants Act 1981* of the Commonwealth and all money so received by the State under any other Commonwealth Act providing funds for the State for road purposes;

(b) by omitting from paragraph (i) "Fund; and" and substituting "Fund;"

(c) by inserting the following paragraph after paragraph (i):—

(ia) any profits made by the Minister in the exercise or performance of his powers or functions under an Act of Tasmania or a Commonwealth Act or under an agreement with the Commonwealth; and

Amendment of section 5 of Principal Act (Application of Fund).

8—Section 5 (1) of the Principal Act is amended by omitting paragraphs (d) and (da) and substituting the following paragraphs:—

(d) all sums required for expenditure by the State, in accordance with the provisions of the *Roads Grants Act* 1981 of the Commonwealth and any other Commonwealth Act, for any purpose for which those sums are, by virtue of such an Act, required or permitted to be expended;

(da) any losses made by the Minister in the exercise or performance of his powers or functions under an Act of Tasmania or a Commonwealth Act or an agreement with the Commonwealth;

Amendment of section 6 of Principal Act (Road Construction Plant Suspense Account).

9—Section 6 (4) (b) of the Principal Act is amended by inserting “purchase,” before “replacement”.

Amendment of section 8 of Principal Act (Vesting of State highways and subsidiary roads).

10—(1) Section 8 (2) of the Principal Act is amended by inserting “constructed and” before “maintained”.

(2) Section 8 (3) of the Principal Act is amended as follows:—

(a) by omitting “maintenance on” and substituting “the maintenance or reconstruction of”;

(b) by omitting from paragraph (a) “or a person authorized by him”;

(c) by omitting from paragraph (b) “a person acting under the authority of”.

(3) Section 8 (5) of the Principal Act is amended by omitting “maintenance” and substituting “the maintenance or reconstruction”.

Amendment of section 9 of Principal Act (Contribution by councils to maintenance and reconstruction of certain subsidiary roads).

11—Section 9 (1) of the Principal Act is amended by inserting “and reconstruction” after “maintenance”.

12—(1) Section 9A (2) of the Principal Act is amended by omitting paragraphs (a), (b), (c), and (d) and substituting the following paragraphs:—

Amendment of section 9A of Principal Act (Alignment of highways).

- (a) if any lands affected by the proclamation are under the *Land Titles Act* 1980, 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 folios of the Register and the Recorder shall thereupon register the proclamation by making an appropriate entry of it on those folios of the Register;
- (b) if any lands affected by the proclamation are not under the *Land Titles Act* 1980 and are not being purchased under Crown lands contracts, lodge in the Registry of Deeds a copy of the proclamation, together with a plan identifying those lands and showing their owners so far as the Minister can ascertain them;
- (c) lodge with the Director-General of Lands a copy of the proclamation and, if any lands affected by the proclamation are being purchased under Crown lands contracts, also lodge with the Director-General a plan showing the names of the purchasers of those lands; and
- (d) give notice in such form as he thinks fit to all owners of lands, and to all purchasers of lands being purchased under Crown lands contracts, that are affected by the proclamation or such of them as he can with reasonable diligence ascertain and notify within the 60 days.

(2) Section 9A of the Principal Act is further amended by inserting the following subsections after subsection (2):—

(2A) In subsection (2), “proclamation under this section” includes a proclamation under this section that is combined with a proclamation under section 52A.

(2B) Where a copy of a proclamation under this section that is lodged as required by subsection (2) (c) affects any land being purchased under a Crown lands contract, the Director-General of Lands shall register the proclamation by making an appropriate entry of it in the registers kept by him.

(3) Section 9A (3) of the Principal Act is amended by omitting “or memorial lodged under paragraph (a) or paragraph (b)” and substituting “lodge under paragraph (a), (b), or (c)”.

(4) Section 9A of the Principal Act is further amended by omitting subsection (4) and substituting the following subsection:—

(4) At the end of the 60 days referred to in subsection (2)—

(a) a proclamation under this section that is not combined with a proclamation under section 52A; or

(b) the part of a proclamation under this section that is combined with such a proclamation,

takes effect in accordance with subsection (5).

(5) Section 9A (5) of the Principal Act is amended as follows:—

(a) by omitting “becomes effective—” and substituting “, or the part of a proclamation under this section, takes effect—”;

(b) by omitting from paragraph (c) “thereof—” and substituting “of the land or the purchaser of the land, in the case of land being purchased under a Crown lands contract—”;

(c) by omitting subparagraph (ii) of paragraph (c) and substituting the following subparagraph:—

(ii) may require the Minister to acquire the land as provided in subsection (6) or, as the case may require, to acquire the purchaser’s estate and interest in the land as provided in subsection (6A);

(d) by inserting in paragraph (d) (i) “or the purchaser’s estate and interest in the land, in the case of land being purchased under a Crown lands contract,” after “land”;

(e) by omitting from paragraph (e) “any person whose land is injuriously affected by the proclamation is entitled to compensation which—” and substituting “if land is injuriously affected by the declaration of the intended line made in the proclamation or part of the proclama-

tion, the owner of the land or its purchaser, in the case of land being purchased under a Crown lands contract, is entitled to make a claim for compensation within the period of 12 months after the proclamation or the part of the proclamation takes effect and that compensation—”.

(6) Section 9A of the Principal Act is further amended by inserting the following subsection after subsection (6):—

(6A) Where the Minister is required to acquire the purchaser’s estate and interest in land under a Crown lands contract—

- (a) the price of the estate and interest, if not agreed on by the Minister and purchaser, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*;
- (b) on the ascertainment of that price, the purchaser shall tender to the Minister an executed deed of surrender or transfer to the Crown of the estate and interest; and
- (c) the purchaser is entitled to be paid by the Minister his costs of and incidental to the preparation, execution, and registration of the deed of surrender or transfer that he is required, by paragraph (b), to tender to the Minister.

(7) Section 9A (8) (a) of the Principal Act is amended by omitting “ memorial ” and substituting “ copy ”.

(8) Section 9A of the Principal Act is further amended by inserting the following subsections after subsection (8):—

- (9) Where the Governor issues a proclamation—
 - (a) revoking or amending a proclamation under this section that is not combined with a proclamation under section 52A; or
 - (b) revoking or amending the part of a proclamation under this section that is so combined,

the Minister shall, within 60 days after the gazettal of the proclamation—

- (c) if any lands affected by the proclamation are under the *Land Titles Act* 1980, lodge with the Recorder of Titles a copy of the proclamation, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a) or amending the part of a proclamation referred to in paragraph (b), a copy of a plan showing the names of the registered proprietors of those lands and the volume and folium of their respective folios of the Register;
- (d) if any lands affected by the proclamation are not under the *Land Titles Act* 1980 and are not being purchased under Crown lands contracts, lodge in the Registry of Deeds a copy of the proclamation, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a) or amending the part of a proclamation referred to in paragraph (b), a copy of a plan identifying those lands and showing their owners so far as the Minister can ascertain them; and
- (e) lodge with the Director-General of Lands a copy of the proclamation and, if any lands affected by the proclamation are being purchased under Crown lands contracts, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a), or amending the part of a proclamation referred to in paragraph (b), a copy of a plan identifying those lands and showing the persons who are purchasing them.

(10) Where a copy of a proclamation under this section is lodged as required by subsection (9) (c), the Recorder of Titles shall register the proclamation by making an appropriate entry of it on the folios of the Register affected by the proclamation.

(11) Where a copy of a proclamation under this section that is lodged as required by subsection (9) (e) affects any land being purchased under a Crown lands contract, the Director-General of Lands shall register the proclamation by making an appropriate entry of it in the registers kept by him.

(12) The Recorder of Titles shall, if a proclamation under this section is registered in his office, make recordings on the deeds of grant or certificates of title of the lands affected by the proclamation when they are next produced to him.

13—After section 9E of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 9F.

9F—Where any land is deprived of existing access, or rendered incapable of obtaining access, to a highway as the result of the construction of a line of new State highway or subsidiary road or the realignment of the line of a State highway or subsidiary road, the Minister may, in accordance with the provisions of the *Lands Resumption Act 1957*, acquire land for the purpose of providing access over it for the first-mentioned land and the Minister for Lands may, on such terms and conditions as he thinks fit, and in accordance with the *Crown Lands Act 1976*, grant to the owner of the first-mentioned land a right of carriageway over, or the fee simple in, the land so acquired.

Provision of access to certain land.

14—Section 10 (2) of the Principal Act is amended by inserting “ or reconstruction ” after “ maintenance ”.

Amendment of section 10 of Principal Act (Planting of trees along State highways deemed part of maintenance or reconstruction).

15—Section 11 of the Principal Act is amended as follows:—

(a) by omitting paragraph (a) and substituting the following paragraph:—

Amendment of section 11 of Principal Act (Maintenance of State highways, &c., in cities, &c.).

(a) the Minister is required to maintain and reconstruct—

- (i) the carriageways and the surface lying between them, in the case of 2 paved carriageways divided by a median strip;
- (ii) the carriageway and the overtaking lane, in the case of a single paved carriageway incorporating an overtaking lane;
- (iii) a paved carriageway not exceeding 7·4 metres in width, in the case of a single undivided paved carriageway;
- (iv) a paved carriageway not exceeding 4·3 metres in width, in the case of a carriageway providing a traffic lane to a traffic interchange; and
- (v) the culverts and bridges over which the State highway or subsidiary road runs; and

(b) by inserting in paragraph (b) “ and reconstructed ” after “ maintained ”.

Amendment of section 13 of Principal Act (Excavations by certain authorities).

16—(1) Section 13 (1) of the Principal Act is amended by omitting “ or of some officer authorized by him in that behalf ”.

(2) Section 13 (1A) of the Principal Act is amended by omitting “ or such other officer as aforesaid ”.

(3) Section 13 (2) of the Principal Act is amended by omitting “ or such officer as aforesaid ”.

Amendment of section 16A of Principal Act. (Temporary closing of State highways and subsidiary roads).

17—Section 16A (1) of the Principal Act is amended by omitting “ or some officer authorized by him in that behalf ”.

18—After section 17C of the Principal Act, the following section is inserted in Part II:—

Insertion in Part II of Principal Act of new section 17D.

17D—(1) A reference to the Minister in section 8 (3) or (4), 13, 15, 16, 16A, 17B, or 17C shall be deemed to include a reference to—

References to Minister in certain sections deemed to include references to designated persons and persons holding designated offices.

- (a) such person holding office in the Public Service; or
- (b) a person holding such class or kind of office in the Public Service,

as the Minister may designate by writing under his hand.

(2) In subsection (1), “Public Service” has the meaning assigned to that expression in the *Public Service Act 1973*.

19—Section 26 of the Principal Act is amended by omitting “reconstruct,”.

Amendment of section 26 of Principal Act (Powers of Minister with respect to construction of roads).

20—Section 39 (1) of the Principal Act is amended by inserting “or reconstructing” after “maintaining”.

Amendment of section 39 of Principal Act (Entry upon adjoining lands for road maintenance or reconstruction).

21—After section 47 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 47A.

47A—(1) Subject to subsection (2), a road authority may erect on a part of a road under its control that forms an approach to a bridge with overhead members such warning gantries and crash-beam gantries as the authority considers necessary for the protection of that bridge.

Warning gantries for bridges with overhead members.

(2) A road authority other than the Minister shall not erect a gantry pursuant to subsection (1) without the prior approval of the Minister.

(3) A road authority shall cause a gantry erected by it pursuant to subsection (1) to be marked clearly with the maximum clearance height for vehicles on the bridge in respect of which the gantry is erected.

Amendment of section 52A of Principal Act (Proclamation of limited access).

22—(1) Section 52A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) A proclamation under this section may be combined with a proclamation under section 9A and, where a proclamation under this section is so combined, the part of the proclamation under this section takes effect on the opening of the relevant highway.

(2) Section 52A of the Principal Act is further amended by inserting the following subsections after subsection (3):—

(4) The Minister shall, within the period of 60 days after the gazettal of a proclamation under this section—

(a) if any lands affected by the proclamation are under the *Land Titles Act* 1980, 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 folios of the Register, and the Recorder shall thereupon register the proclamation by making an appropriate entry of it on those folios of the Register;

(b) if any lands affected by the proclamation are not under the *Land Titles Act* 1980 and are not being purchased under Crown lands contracts, lodge in the Registry of Deeds a copy of the proclamation, together with a plan identifying those lands and showing their owners so far as the Minister can ascertain them; and

(c) lodge with the Director-General of Lands a copy of the proclamation, and, if any lands affected by the proclamation are being purchased under Crown lands contracts, also lodge with the Director-General of Lands a plan showing the names of the purchasers of those lands.

(5) In subsection (4), “proclamation under this section” includes a proclamation under this section that is combined with a proclamation under section 9A.

(6) Where a copy of a proclamation under this section that is lodged as required by subsection (4) (c) affects any land being purchased under a Crown lands contract, the Director-General of Lands shall register the proclamation by making an appropriate entry of it in the records kept by him.

(7) The Minister shall, within the period of 60 days after—

(a) the gazettal of a proclamation under this section that is not combined with a proclamation under section 9A; or

(b) the part of a proclamation under this section that is combined with such a proclamation takes effect as provided in subsection (2),

give notice of its taking effect in such form as he thinks fit to all owners of lands, and to all purchasers of lands being purchased under Crown lands contracts, that are affected by that proclamation or part, or such of them as he can with reasonable diligence ascertain and notify within that period.

(8) Where the Governor issues a proclamation—

(a) revoking or amending a proclamation under this section that is not combined with a proclamation under section 9A; or

(b) revoking or amending the part of a proclamation under this section that is so combined,

the Minister shall, within 60 days after the gazettal of the proclamation—

(c) if any lands affected by the proclamation are under the *Land Titles Act* 1980, lodge with the Recorder of Titles a copy of the proclamation, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a) or amending the part of a proclamation referred to in paragraph (b), a copy of a plan showing the names of the registered proprietors of those lands and the volume and folium of their respective folios of the Register;

- (d) if any lands affected by the proclamation are not under the *Land Titles Act* 1980 and are not being purchased under Crown lands contracts, lodge in the Registry of Deeds a copy of the proclamation, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a) or amending the part of a proclamation referred to in paragraph (b), a copy of a plan showing their owners so far as the Minister can ascertain them; and
- (e) lodge with the Director-General of Lands a copy of the proclamation and, if any lands affected by the proclamation are being purchased under Crown lands contracts, having attached to it, in the case of a proclamation amending a proclamation referred to in paragraph (a) or amending the part of a proclamation referred to in paragraph (b), a copy of a plan identifying those lands and showing the persons who are purchasing them.

(9) Where a copy of a proclamation under this section is lodged as required by subsection (8) (c), the Recorder of Titles shall register the proclamation by making an appropriate entry of it on the folios of the Register affected by the proclamation.

(10) Where a copy of a proclamation under this section that is lodged as required by subsection (8) (e) affects any land being purchased under a Crown lands contract, the Director-General of Lands shall register the proclamation by making an appropriate entry of it in the records kept by him.

(11) The Recorder of Titles shall, if a proclamation under this section is registered in his office, make recordings on the deeds of grant or certificates of title of the lands affected by the proclamation when they are next produced to him.

(2) Section 52c of the Principal Act is further amended by inserting the following subsections after subsection (1):—

(1A) In subsection (1), “ proclamation ” means—

- (a) a proclamation under section 52A that is not combined with a proclamation under section 9A; or
- (b) the part of a proclamation under section 52A that is combined with such a proclamation.

(1B) A claim for compensation under this section shall be made within 12 months after the date on which the person making the claim receives notice under—

- (a) section 52A (7) (a), in the case of a proclamation under section 52A that is not combined with a proclamation under section 9A; or
- (b) section 52A (7) (b), in the case of the part of a proclamation under section 52A that is combined with such a proclamation.

(1C) Where a person who is entitled to compensation under this section fails to make a claim for compensation as provided in subsection (1B), the Minister may proceed in the manner set out in section 42 of the *Lands Resumption Act* 1957 as if a disputed claim for compensation existed under that Act.

(3) Section 52c (2) of the Principal Act is amended by inserting “, or to enter land over which he has a right of way providing access to his land from the limited access road,” after “ road ”.

24—After section 52E of the Principal Act, the following section is inserted in Part IV:—

52F—Where any land is deprived of existing access, or rendered incapable of obtaining access, to a highway as the result of a proclamation under section 52A or works under section 52E, the Minister may, in accordance with the provisions of the *Lands Resumption Act* 1957, acquire land for the purpose of providing access over it for the first-mentioned land and the Minister for Lands may, on such terms and conditions as he thinks fit, and in accordance with the *Crown Lands Act* 1976, grant to the owner of the first-mentioned land a right of carriageway over, or the fee simple in, the land so acquired.

Insertion in
Principal Act
of new
section 52f.

Provision of
access in
certain cases
for land
belonging
to private
person.

Statute law
revision.

25—Each provision of the Principal Act specified in column 1 of Schedule 1 is amended in the manner specified opposite the reference to that provision in column 2 of that Schedule.

Validations.

26—(1) Where, before the commencement of section 5 of this Act, the Minister purported to exercise a power, or to perform a function, referred to in section 3B of the Principal Act, as inserted by section 5 of this Act, that power or function, to the extent that it could have been validly and effectually exercised or performed by the Minister if section 5 of this Act had then been in force, shall be deemed to have been validly and effectually exercised or performed by him, as the case may be.

(2) Where, before the commencement of section 6 or section 27 (2) and Schedule 3 of this Act, as the case may be, the Minister purported to appoint and employ employees for the exercise and performance by the Minister of his powers and functions under this Act or any other Act, those appointments and employments shall be, and be deemed always to have been, validly and effectually made.

(3) Where, before the commencement of section 7 of this Act, there was purported to be credited to the State Highways Trust Fund any money referred to in section 4 (2) (a) of the Principal Act, as inserted by section 7 of this Act, or any profits referred to in section 4 (2) (ia) of that Act, as so inserted, that money or those profits, to the extent that it or they could have been validly and effectually credited to that Fund if section 7 of this Act had then been in force, shall be deemed to have been validly and effectually credited to that Fund.

(4) Where, before the commencement of section 8 of this Act, there was purported to be debited to the State Highways Trust Fund any loss referred to in section 5 (1) (da) of the Principal Act, as substituted by section 8 of this Act, that loss, to the extent that it could have been validly and effectually debited to that Fund if section 8 of this Act had then been in force, shall be deemed to have been validly and effectually debited to that Fund.

27—(1) Schedule 2 has effect.

(2) Schedule 3 has effect.

Amendments
consequential
upon
Tasmanian
State Service
Act 1984.

SCHEDULE 1

Section 25

STATUTE LAW REVISION

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 3 (1), definition of "motor taxes"	Omit " <i>Motor Vehicles Tax Act 1917</i> ", substitute " <i>Motor Vehicles Taxation Act 1981</i> ".
Section 4 (3A) (a)	Omit "section 4 (5) of the <i>Motor Vehicles Tax Act 1917</i> ", substitute "section 12 of the <i>Motor Vehicles Taxation Act 1981</i> ".
Section 4 (3A) (b)	Omit "section 9", substitute "section 10".
Section 4 (3A) (c)	Omit "section 9 (1) (e) of the <i>Transport Act 1938</i> ", substitute "section 5 (1) (d) of the <i>Transport Act 1981</i> ".
Section 4 (4)	After "Revenue", insert "Fund".
Section 4 (4A)	After "Revenue", twice occurring, insert "Fund".
Section 7 (3)	Omit "of Public Works".
Section 9 (3)	Omit "His Majesty", substitute "the Crown".
Section 9A (1)	Omit "Surveyor-General", substitute "Director-General of Lands".
Section 9D (4)	Omit "Surveyor-General", substitute "Director-General of Lands".
Section 9D (6) (c)	Omit "Her Majesty", substitute "the Crown".
Section 9D (7) (a)	Omit "Surveyor-General and Secretary for Lands", substitute "Director-General of Lands".
Section 9E (1)	Omit "Director", twice occurring, substitute "Director-General".
Section 13 (1B)	Omit "of Public Works".
Section 17A (1)	Omit "Police Magistrate", substitute "magistrate".
Section 17A (2)	Omit "Police Magistrate", substitute "magistrate".
Section 17A (3)	Omit "Police Magistrate", substitute "magistrate".
Section 17C (4) (a)	Omit "of Public Works".
Section 17C (5) (c)	Omit subparagraph (ii), substitute the following subparagraph:— (ii) the <i>Public Health Act 1962</i> ;
Section 35 (4) (a)	Omit " <i>Lands Resumption Act 1910</i> ", substitute " <i>Lands Resumption Act 1957</i> ".
Section 43	Omit "of Public Works".
Section 52D (1)	Omit paragraph (a), substitute the following paragraph:— (a) a limited access road is not a road for the purposes of section 432 of the <i>Local Government Act 1962</i> ; and
Section 52E (2)	Omit "His Majesty", substitute "the Crown".

SCHEDULE 2

Section 27 (1)

AMENDMENTS CONSEQUENTIAL UPON THE ENACTMENT OF THE
TASMANIAN STATE SERVICE ACT 1984

Schedule 1 to the *Tasmanian State Service (Miscellaneous Amendments) Act 1984* is amended by inserting the following amendments after the amendments relating to the *Road Safety (Alcohol and Drugs) Act 1970*:—

Roads and Jetties Act 1935

(26 Geo. V No. 82)

1. Part IB is repealed and the following Part is substituted:—

PART 1B

APPOINTMENT OF PERSONS REQUIRED FOR THE EXERCISE AND
PERFORMANCE OF THE MINISTER'S POWERS AND FUNCTIONS

3C—Subject to and in accordance with the *Tasmanian State Service Act 1984*, there may be appointed or employed such persons as are required for the exercise and performance by the Minister of his powers and functions under this Act or any other Act.

2. Section 17D is repealed and the following section is substituted:—

17D—A reference to the Minister in section 8 (3) or (4), 13, 15, 16, 16A, 17B, or 17C shall be deemed to include a reference to—

- (a) such person appointed or employed in the State Service;
- (b) such person appointed and holding office under Part V of the *Tasmanian State Service Act 1984*; or
- (c) a person holding such class of position in the State Service,

as the Minister may designate by writing under his hand.

Appointment of persons required for the exercise and performance of the Minister's powers and functions.

References to Minister in certain sections deemed to include references to designated persons and persons holding designated offices.

SCHEDULE 3

Section 27 (2)

AMENDMENTS CONSEQUENTIAL UPON THE ENACTMENT OF THE
TASMANIAN STATE SERVICE ACT 1984

1. After Part IA of the Principal Act (as inserted by section 5 of this Act), the following Part is inserted:—

PART 1B

APPOINTMENT OF PERSONS REQUIRED FOR THE EXERCISE AND
PERFORMANCE OF THE MINISTER'S POWERS AND FUNCTIONS

3C—Subject to and in accordance with the *Tasmanian State Service Act* 1984, there may be appointed or employed such persons as are required for the exercise and performance by the Minister of his powers and functions under this Act or any other Act.

Appointment of persons required for the exercise and performance of the Minister's powers and functions.

2. After section 17C of the Principal Act, the following section is inserted in Part II:—

17D—A reference to the Minister in section 8 (3) or (4), 13, 15, 16, 16A, 17B, or 17C shall be deemed to include a reference to—

- (a) such person appointed or employed in the State Service;
- (b) such person appointed and holding office under Part V of the *Tasmanian State Service Act* 1984; or
- (c) a person holding such class of position in the State Service, as the Minister may designate by writing under his hand.

References to Minister in certain sections deemed to include references to designated persons and persons holding designated offices.

