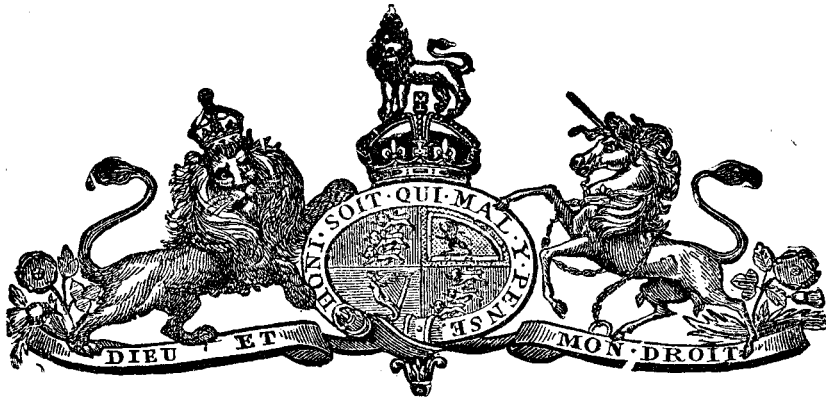


TASMANIA.



1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 86.

ANALYSIS.

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 AN ACT to authorise the Declaration of certain Roads as State Highways, and to regulate and make provision for the Maintenance thereof. [18 January, 1930.]
 A.D. 1929.

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 State Highways Maintenance Act, 1929.” Short title and commencement.

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(2) This Act shall come into force on the first day of July, one thousand nine hundred and thirty.

Repeal of 17 Geo.
V. No. 33 and
18 Geo. No. 9.
Saving.

2—(1) The Main Roads Maintenance Act, 1926, and the Main Roads Maintenance Act, 1927, are hereby repealed.

(2) Such repeal as aforesaid shall not affect the operation of the said Acts in relation to any scheme of roads maintenance works prepared and approved thereunder, but not fully completed, prior to the commencement of this Act, and every such scheme shall be carried out and completed as if this Act had not been passed.

Interpretation.

3—(1) In this Act, unless a contrary intention appears—

“ Department ” means the Public Works Department :

“ Maintenance ” in relation to a road means the reconstruction, improving, widening, diverting, altering, or repairing thereof :

“ Motor taxes ” means the taxation imposed in respect of motor vehicles by, and collected under, the Motor Vehicles Tax Act, 1917 :

“ State highway ” means a road declared under this Act to be a State highway :

“ The Committee ” means the Transport Advisory Committee constituted and appointed by the Governor to advise the Government on matters affecting transport : and

“ The Fund ” means the State Highways Trust Fund established by this Act.

(2) Every reference to a road in this Act shall be construed to include where necessary or applicable—

i. Every bridge :

ii. All fences erected at the cost of the State for the protection of traffic : and

iii. All culverts, mileposts, and traffic signs—

upon or used in connection with such road.

Establishment of
Fund.

4—(1) There shall be established and kept in the Treasury a Fund to be called “ The State Highways Trust Fund.”

(2) There shall be paid and credited to the Fund, annually in each financial year for the purposes of this Act, a sum equal to the amount of all motor taxes collected in the immediately preceding financial year, and paid into the Treasury, less Two Pounds per centum of such amount, and the same shall be paid by the Treasurer to the Fund out of the Consolidated Revenue, which to the necessary extent is hereby appropriated accordingly.

(3) Upon the commencement of this Act, or upon completion of all such works as are mentioned in Subsection (2) of Section Two hereof, the balance, if any, standing to the credit of the Main Roads Trust Fund shall be transferred to the credit of the Fund.

State Highways Maintenance.

5—(1) The moneys from time to time standing to the credit of the Fund shall be paid and applied for the purposes of, and as provided by, this Act, and it shall be lawful for the Treasurer to issue and apply the same from time to time on the authority of a warrant of the Governor for that purpose.

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Application of Fund.

(2) If at the close of any financial year the amount standing to the credit of the fund exceeds the amount required for the repair of State highways in respect of that financial year the Treasurer, at the request of the Minister may transfer such excess or any part thereof to the credit of the Federal Aid Roads Trust Fund for the purposes thereof in the next financial year and the amount to be provided out of loans for such lastmentioned year for Federal Aid Roads shall be reduced by the amount so transferred.

6—(1) The Minister shall cause to be kept in the books of the Department detailed accounts, in accordance with the directions of the Auditor-General, in respect of the expenditure upon, or in respect of, each State highway out of the moneys provided from the Consolidated Revenue for each financial year.

Accounts of Fund.

(2) Such accounts as aforesaid shall be subject to the provisions of the Audit Act, 1918.

9 Geo. V. No. 3.

(3) A statement of the expenditure out of the Fund shall be submitted annually to Parliament by the Treasurer.

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

Power to Governor to proclaim State highways.

(2) Every such proclamation shall take effect upon and from a date in that behalf specified therein or, if no such date is so specified, from the date of the gazettal of such proclamation and thereupon the road or portion thereof therein specified shall become, or cease to be, a State highway according to the tenor thereof.

(3) Every road proclaimed as a State highway shall be a State highway for a period of three years from the date of its being so proclaimed.

(4) Every road or portion thereof which ceases as hereinbefore provided to be a State highway shall from the date of such cessation be a cross road within the meaning of the Roads Act, 1884, and thereupon the provisions of Section Ten thereof shall apply to such road.

48 Vict. No. 28.

8—(1) The Committee when required by the Minister so to do shall make such investigations and inquiries as may be necessary to enable the Committee to determine what roads, in the opinion of the Committee—

Preparation of list of State highways.

- i. Should be proclaimed by reason of their importance as :
- ii. Have ceased either wholly or in part to be of sufficient importance to be—

State highways.

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(2) The Committee as soon as practicable after any such requirement by the Minister as aforesaid shall submit to the Minister a list of such roads in accordance with such requirement.

(3) The Minister may make such alterations in the list so submitted as he may think fit and may determine what roads shall be included therein, and thereupon he shall endorse on such list his approval thereof subject to such alterations, if any, as he shall have made therein.

(4) Such list as aforesaid so approved shall be submitted to the Governor, and thereupon the Governor by proclamation as hereinbefore provided may give effect thereto.

Vesting and
maintenance of
State highways.

9—(1) All State highways shall be vested in His Majesty and shall be under the control and direction of the Minister.

(2) Except as otherwise provided, the Minister shall cause all State highways to be maintained as he may direct.

(3) The cost of all such maintenance shall be defrayed out of the moneys from time to time constituting the Fund.

Maintenance of
footways in
towns, &c.

10 Where, in any town or village, footways along any State highway are provided by the corporation of the municipality in which the same is situated, such footway shall be maintained by such corporation and the Minister shall be required to maintain only a pavement width not exceeding twenty feet of such State highway within such town or village.

Powers of
Minister.

11—(1) For the purposes of this Act, the Minister shall have and exercise in relation to State highways all the powers and authority conferred by the Roads Act, 1884, upon district Boards under that Act and such other powers as are conferred upon him by this Act.

(2) The Minister at any time may require any corporation, body, or person having the charge or control of any water-supply mains or service pipes, which are laid beneath the surface of any State highway in any town or village—

i. To remove and place the same beyond the limits of the pavement width of twenty feet mentioned in Section Ten hereof: or

ii. To take such other measures, if any, as the Minister may direct to ensure the preservation of such pavement as aforesaid from damage by reason of any excavation for the purpose of repairing or replacing any such main or pipe.

(3) Every such Corporation, body, or person as aforesaid, when so required by the Minister, shall comply with such requirement at its, or his, own expense.

Excavations by
certain
authorities.

12—(1) Except as otherwise expressly provided, no corporation, body, or person having the charge and control of any water-supply, sewerage, gas service, or electrical undertaking (hereinafter called an "authority") shall make any excavation in or under the pavement of

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any State highway without the consent of the Minister or of some officer, authorised by him in that behalf, in the district where such excavation is to be made. A.D. 1929.

(2) In any case of emergency where it is impracticable to obtain such consent as aforesaid to meet the exigency of such emergency, the authority shall notify the Minister or such officer as aforesaid forthwith after proceeding with such excavation and shall furnish him with such particulars as will explain the necessity for anticipating such consent.

(3) Immediately upon completion of any such work as aforesaid the authority, at its own cost, shall reinstate the road where such excavation was made to a sufficient degree to render the same safe, and thereafter the permanent reinstatement thereof shall be executed by the Minister at the cost of the authority.

(4) The authority at all times when any such excavation is left open shall protect the same with sufficient barriers for ensuring the adequate protection of traffic and shall display thereon red flags during daylight and lights by night.

(5) The authority shall be responsible for the proper maintenance of such barriers, flags, and lights as aforesaid, and shall be answerable for any liability incurred through negligence in relation thereto.

13—(1) The Minister at any time may require any authority in charge of any electric-light or power mains, which cross any State highway, at its own cost, to take such measures as may be necessary to ensure a clear space of not less than eighteen feet from the surface of the road beneath such mains. Regulation of electric wires.

(2) Where the Minister proposes to widen, regrade, or alter the alignment of any State highway, he may require the authority in charge of any pole or tower carrying overhead wires to remove the same to such position as will make it clear of such proposed work.

(3) Such authority shall comply with every such requirement of the Minister, and the reasonable cost of its so doing shall be repaid by the Minister to the authority out of the Fund.

14—(1) In any case where an authority desires to erect any pole or tower for carrying electric mains or wires along any portion of a State highway, such authority shall apply in writing to the Minister for permission so to do, and shall submit a plan showing the proposed disposition of the poles or towers in relation to the pavement, shoulders, and structures of the road to be affected thereby. Regulation of erection of poles, &c.

(2) The Minister may grant such permission as aforesaid, either in accordance with the plan so submitted or subject to such alteration of the disposition of the poles or towers as the Minister may think fit.

(3) The Minister may require the authority forthwith to remove, at its own expense, any pole or tower erected by it as aforesaid otherwise than in accordance with such permission, and the authority shall comply with every such requirement.

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Appointments of
officers.

15—(1) The Governor may appoint such officers as he may consider necessary for the purpose of carrying out the provisions of this Act.

(2) Such officers shall be paid respectively such salaries, remuneration, and allowances as the Governor may determine.

(3) All such payments as aforesaid shall be made out of the Fund.

Provisions in
respect of plant
and equipment.

16—(1) The Minister may—

i. Out of moneys to be provided by Parliament for that purpose, purchase and acquire such road-making plant and equipment as he may consider necessary for the purposes of this Act :

ii. At any time—

(a) Repair and maintain in good condition any such plant and equipment as aforesaid and all other plant and equipment at the disposal of the Minister for the purposes of this Act ; and

(b) Purchase or hire from any person horses and vehicles and equipment therefor—

and all expenses incurred in so doing shall be paid out of the Fund.

iii. Let on hire or sell any such plant, horses, vehicles, or equipment as aforesaid to such persons and upon such conditions as he may think fit.

(2) All moneys received by the Minister in respect of the exercise by him of any of the powers conferred by Paragraph iii. of Subsection (1) hereof shall be paid into, and form part of, the State Roads Construction Plant Suspense Account.

Regulations.

17 The Governor may make regulations prescribing all such matters and things as he may think necessary or desirable for the purposes of this Act.