

TASMANIA

**ROADS AND JETTIES AMENDMENT
(MANAGEMENT OF STATE HIGHWAYS IN
CITIES) BILL 2018**

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**ROADS AND JETTIES AMENDMENT
(MANAGEMENT OF STATE HIGHWAYS IN
CITIES) BILL 2018**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
21 November 2018

*(Brought in by the Minister for Infrastructure, the Honourable
Jeremy Page Rockliff)*

A BILL FOR

**An Act to amend the *Roads and Jetties Act 1935* and the
*Local Government (Highways) Act 1982***

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Roads and Jetties
Amendment (Management of State Highways in
Cities) Act 2018*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

*Roads and Jetties Amendment (Management of State Highways
in Cities) Act 2018*
Act No. of 2018

s. 3

Part 2 – Roads and Jetties Act 1935 Amended

PART 2 – ROADS AND JETTIES ACT 1935 AMENDED

3. Principal Act

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

4. Section 11 amended (Maintenance of State highways, etc., in cities, etc.)

Section 11 of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by omitting “Where” from subsection (1) and substituting “Subject to subsection (2), where”;
- (c) by inserting the following subparagraph after subparagraph (iv) in subsection (1)(a):
 - (iva) in the case of a State highway comprising more than one lane in a single direction, the carriageway; and
- (d) by inserting the following subsection after subsection (1):

*No. 82 of 1935

*Roads and Jetties Amendment (Management of State Highways in
Cities) Act 2018
Act No. of 2018*

Part 2 – Roads and Jetties Act 1935 Amended

s. 5

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- (2) The Minister, with the agreement of the relevant council, may maintain or reconstruct a State highway or a subsidiary road otherwise than in accordance with subsection (1).

5. Section 48B inserted

After section 48A of the Principal Act, the following section is inserted in Division 2:

48B. Power to remove vehicles causing obstruction or danger

- (1) A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle) that –
- (a) is causing an unlawful obstruction; or
 - (b) is unlawfully parked or left standing in an area designated by the Minister; or
 - (c) has been left standing illegally for a period of at least 2 days; or
 - (d) has been left standing in an area in which in the opinion of the road authority the vehicle is obstructing the free movement of traffic on a road or from a driveway; or

*Roads and Jetties Amendment (Management of State Highways
in Cities) Act 2018
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Part 2 – Roads and Jetties Act 1935 Amended

- (e) has been left standing in an area in which in the opinion of the road authority the vehicle constitutes a hazard to road safety.
- (2) A road authority must return to its owner a vehicle moved, kept or impounded under subsection (1) on payment of a fee.
- (3) The fee set for the purposes of subsection (2) must not exceed an amount that reasonably represents the cost to a road authority of impounding, moving, keeping and releasing the vehicle, including any relevant overhead and other indirect costs.
- (4) Subject to subsection (5), a road authority may sell, destroy or give away a vehicle that has been moved, kept or impounded under subsection (1) (and anything in, on or attached to the vehicle) if the owner of the vehicle has not paid the fee under subsection (2) within 60 days of the date when the vehicle was first moved, kept or impounded.
- (5) Before exercising the power under subsection (4), the road authority must take reasonable steps to notify the owner of the vehicle that the vehicle has been moved, kept or impounded and that it may be sold, destroyed or given away

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unless the specified fee is paid within
60 days.

- (6) A road authority and anyone who obtains the vehicle from a road authority under subsection (4) is not liable to the owner of the vehicle or any other person in respect of any action taken under that subsection.

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in Cities) Act 2018*
Act No. of 2018

s. 6

Part 3 – Local Government (Highways) Act 1982 Amended

**PART 3 – LOCAL GOVERNMENT (HIGHWAYS) ACT
1982 AMENDED**

6. Principal Act

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

7. Section 108 inserted

After section 107 of the Principal Act, the
following section is inserted in Part VII:

108. Application of Part to State highways

This Part applies in respect of a State
highway within a municipal area as if –

- (a) the State highway were a local highway within that municipal area; and
- (b) a reference to a corporation, other than in section 107(8) and (9), were a reference to the Minister for State Highways.

*No. 57 of 1982

*Roads and Jetties Amendment (Management of State Highways in
Cities) Act 2018
Act No. of 2018*

Part 4 – Miscellaneous

s. 8

PART 4 – MISCELLANEOUS

8. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.