

SECOND READING SPEECH

THE HON LARA GIDDINGS MP

MINISTER FOR INFRASTRUCTURE

Roads and Jetties Amendment Bill 2010

Mr Speaker,

I move that the Bill now be read a second time.

I am pleased to present to the House today the *Roads and Jetties Amendment Bill 2010*, which amends the *Roads and Jetties Act 1935*.

Mr Speaker, the State Government is responsible for managing over three and a half thousand kilometres of roads, worth over \$4 billion. These roads are crucial to the community's economic and social well-being. They provide the essential links between Tasmania's population centres, and support industry, services,

tourism and trade. Keeping the State road network safe and efficient is vital and managing access to our road network is critical to achieving this.

To manage access to the State road network, construction of new accesses onto the road network is controlled. Developers must obtain permission in the form of a permit and must construct the access to specified standards. However, while the conditions of the permit provide for the access to be maintained by the permit holder, this is at best only enforceable against the permit holder. There is currently no way to enforce this condition against any subsequent owner of the property.

While the vast majority of owners readily maintain their vehicular accesses themselves, some unfortunately do not do the right thing. On occasion this has forced the Department of Infrastructure, Energy and Resources to carry out and pay for repairs to address urgent maintenance issues that impact on the safety of the road network or road users traversing the access. In the absence of any provision to the contrary, it is entirely possible that the Crown,

as the owner of the road reserve, could be found liable in the event of an accident arising from a failure to maintain an access.

Mr Speaker, I submit to you that the State derives no real benefit from the construction of vehicular accesses onto its roads. In fact, it could be argued that it is in fact counter-productive to do so, as every new access onto the road network creates a new conflict point for traffic, and has the potential to erode transport efficiency. It is therefore inappropriate for the State to have to bear the responsibility for keeping accesses from private property onto its roads in a good state of repair. In those circumstances it is entirely appropriate that the landowner who directly benefits from the vehicular access be responsible for and meet the cost of maintaining the vehicular access.

The introduction to Parliament of this Bill today represents a step in protecting the Crown from financial liability, both in the event of an accident arising from a poorly maintained private access, and for the ongoing maintenance of such accesses.

Mr Speaker, Councils do not carry the responsibility for the maintenance of private accesses onto their roads and have the power under the *Local Government (Highways) Act 1982* to require owners to carry out repair works as necessary to keep their road network in good order. Given the strategic importance of the State road network, I believe that the same provisions should be available to the Crown with respect to State highways and subsidiary roads. In essence this is what this Bill will provide for.

I commend this Bill to the House.