
 No. 81 of 1958.

AN ACT to authorize the construction of a high-level bridge across the River Derwent at Hobart, together with the necessary approaches, road works, and other works connected therewith, to appropriate moneys from the Loan Fund to defray the cost thereof, to provide for the administration, control, and management of the bridge when completed and open for use by the public, and to provide for matters incidental to the foregoing matters. [9 January 1959.]

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:—

PART I.

PRELIMINARY.

- 1** This Act may be cited as the *Hobart Bridge Act 1958*. Short title.
- 2** In this Act, unless the contrary intention appears— Interpretation.
- “authorized works” means the works that are authorized by section three to be executed and carried out;
- “bridge” means the bridge the construction of which is authorized by this Act, and includes the approaches thereto;
- “Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that Agreement as varied from time to time and any agreement made in substitution therefor;
- “Loan Fund” means the Loan Fund established under section six of the *Public Account Act 1957*;
- “old bridge” means the bridge constructed pursuant to the *Hobart Bridge Act 1936*.

PART II.

CONSTRUCTION OF WORKS.

Authorization
of works.

3 The Minister may execute and carry out, or cause to be executed and carried out, the works that are specified in the first schedule at a cost not exceeding four million one hundred and sixty-eight thousand pounds.

Removal, &c.,
of pipes,
cables, &c.

4—(1) If, in the opinion of the Minister, any cable, conduit, pipe, or other fixture for the supply of electricity, water, or gas, or any sewer or drain, is so situated as to be likely—

- (a) to obstruct or impede the execution and carrying out of any of the authorized works; or
- (b) to be damaged by or in the course of the execution and carrying out of any of the authorized works,

the Minister may, by notice in writing served by post on the appropriate authority or body, require the authority or body by which the cable, conduit, pipe, or other fixture, or the sewer or drain, was erected, constructed, or installed to demolish or remove it within such time as may be specified in the notice.

(2) Any authority or body to which a notice under this section is directed shall comply with the requirements of the notice within the time specified in that behalf in the notice.

(3) Where a cable, conduit, pipe, or other fixture, or a sewer or drain, is demolished or removed in conformity with the requirements of a notice under this section, the authority or body by which it is removed may re-erect, reconstruct, or rebuild it in such position as may be agreed upon between the Minister and the authority or body.

(4) Where a notice under this section is served on any authority or body, it may request the Minister to carry out the necessary works for the demolition or removal, and for the re-erection, reconstruction, or rebuilding, of the cable, conduit, pipe, fixture, sewer, or drain, and the Minister may, at his cost and expense, carry out those works or cause them to be carried out accordingly.

(5) Where any authority or body carries out any works for the purpose of complying with the requirements of a notice under this section, the Minister shall pay to that authority or body a sum equal to the reasonable costs and expenses incurred by it in so doing.

(6) All—

- (a) costs and expenses incurred by the Minister under subsection (4) of this section; and
- (b) payments made by the Minister under subsection (5) of this section,

shall be deemed to be part of the cost of the execution and carrying out of the authorized works and shall be defrayed accordingly out of the moneys appropriated from the Loan Fund by section eight.

5—(1) For the purposes of this Act, the Minister may, in accordance with the provisions of the *Lands Resumption Act 1957*—^{Acquisition of lands.}

(a) notwithstanding anything in the *Hobart Corporation Act 1947*, purchase or take such portions of the Queen's Domain (being the area described in Part XII of the seventh schedule to that Act) as may be necessary for—

(i) the construction of the necessary approaches to the bridge; and

(ii) the reconstruction of the portion of the Tasman Highway that is situated on the western shore of the River Derwent; and

(b) purchase, by agreement with the owner thereof, any land in the vicinity of Montagu Bay on which a dwelling-house is erected if it appears to the Minister that that land is likely to be injuriously affected by the execution or carrying out of any of the authorized works.

(2) The purchase-price to be paid for any land that is purchased pursuant to paragraph (b) of subsection (1) of this section shall be such sum as may be agreed upon between the Minister and the owner thereof or, in default of agreement, as may be determined by arbitration under the *Arbitration Act 1892*, and that Act applies to such an arbitration as if it were pursuant to a submission under that Act.

(3) The powers conferred on the Minister by this section are in addition to, and do not derogate from, any powers conferred on him by any other enactment to acquire lands for public purposes or for the purpose of carrying out public works.

(4) For the purposes of the *Lands Resumption Act 1957*, where any land is purchased under paragraph (b) of subsection (1) of this section, that land shall be deemed to have been acquired for the purposes of the execution and carrying out of the authorized works.

(5) Where land is purchased or taken by the Minister under or for the purposes of sub-paragraph (ii) of paragraph (a) of subsection (1) of this section, the costs and expenses incurred by the Minister in or in connection with the purchase or taking thereof shall be defrayed out of the moneys standing to the credit of the State Highways Trust Fund established under section four of the *Roads and Jetties Act 1935*.

(6) Except as provided in subsection (5) of this section, all costs and expenses incurred by the Minister under this section shall be deemed to be part of the cost of the execution and carrying out of the authorized works, and shall be defrayed accordingly out of the moneys appropriated from the Loan Fund by section eight.

Reclamation works.

6 Before the works for the reclamation of the land to which the second schedule relates are commenced, the Governor may, by proclamation, extinguish the public rights of navigation and fishing and any other public rights therein and thereover.

Protection of railways.

7 In the construction of any roads or the carrying out of any other works that cross or impinge on any part of a State railway, the Minister shall consult with the Transport Commission, and shall have regard to any reasonable request of that Commission with respect thereto.

Appropriation of Loan Fund.

8 For the purpose of defraying the cost of the execution and carrying out of the authorized works, the Treasurer may apply out of the Loan Fund (which, to the necessary extent, is appropriated accordingly) any sums not exceeding in the whole the sum of four million one hundred and sixty-eight thousand pounds.

Borrowing powers.

9 For the purposes of this Act, the Treasurer may arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of any sums of money not exceeding four million one hundred and sixty-eight thousand pounds.

PART III.

ADMINISTRATION, CONTROL, AND MANAGEMENT OF THE BRIDGE.

Commencement of this Part.

10 This Part shall commence on a day to be fixed by proclamation.

Interpretation.

11 In this Part, unless the contrary intention appears—
“appointed day” means the day on which this Part commences;

“Commission” means the Transport Commission;

“Minister” means the Minister having the administration of the *Roads and Jetties Act 1935*;

“Trust” means the Metropolitan Transport Trust.

Expiry of *Hobart Bridge Act 1956*.

12 The *Hobart Bridge Act 1956* shall expire on the appointed day.

Administration, &c., of bridge vested in the Minister.

13 On and after the appointed day, the Minister, on behalf of Her Majesty, has the administration, control, and management of the bridge.

Cf. No. 25 of 1956, s. 4.

Bridge to be a public highway.

14 Subject to this Part, the bridge is a public highway.

Ibid., s. 5.

Duty of Minister.

Ibid., s. 6.

15 The Minister shall, except as otherwise prescribed, cause the bridge at all times to be kept and maintained open and fit for public traffic.

16—(1) No person other than the Commission shall contract for the transport of, or transport, passengers or goods for hire to or from any point on the western shore of the River Derwent between the Zinc Works Wharf at Risdon and the property known as the Grange on the Brown's River Road (in this section referred to as "the western limits") from or to any point on the eastern shore of that River between Bedlam Walls and the south-eastern boundary of the town of Bellerive (in this section referred to as "the eastern limits") otherwise than by means of the bridge.

Regulation of
transport
services.
Ibid., s. 8.

Penalty: One hundred pounds.

(2) The Commission may transport for hire any passengers or goods by boat across the River Derwent between any two points within the western and eastern limits respectively and may make prescribed charges therefor.

(3) The provisions of subsection (1) of this section do not apply in respect of passengers or goods carried by aircraft.

(4) If at any time it is found necessary to close the bridge to traffic for a period exceeding twelve hours, the provisions of subsection (1) of this section shall be deemed to be suspended until the bridge is again open to traffic.

(5) Where the bridge is closed to traffic for a period exceeding twelve hours, the Commission, or the Trust, or both, shall, if so directed by the Minister for Transport, provide such transport during the closure as, in the opinion of that Minister, is reasonable for the conveyance of passengers, parcels, and goods, in either direction, between the city of Hobart and such places on the eastern shore of the River Derwent as that Minister may direct.

(6) Notwithstanding anything in the *Metropolitan Transport Act 1954*, the Trust may provide and operate such transport services as may be necessary for the purpose of complying with any direction given to it under subsection (5) of this section.

17—(1) The Minister may permit—

(a) the council of a city or municipality to lay water mains over the bridge; and

(b) an authority of the Commonwealth or of the State to lay over or affix to the bridge such cables, conduits, pipes, or other apparatus as may be necessary for or in connection with the provision of telephonic or telegraphic services or the supply of electricity,

Water mains,
cables, &c.
Ibid., s. 9.

upon and subject to such terms and conditions as he may determine.

(2) A council to which permission is granted under paragraph (a) of subsection (1) of this section shall supply at all times, free of cost to the Minister, such water as the Minister may require for the maintenance and cleansing of the bridge, and shall indemnify the Minister against all expenses, claims, and demands in respect of the laying and maintenance of water mains over the bridge.

Regulations.
Ibid., s. 10.

18—(1) The Governor may make regulations under this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the regulations may—

- (a) prescribe the limitation of the loads and speeds of vehicles upon the bridge or any part thereof;
- (b) regulate or prohibit the painting or affixing of notices upon the bridge and the defacement of the bridge;
- (c) prohibit climbing or loitering upon the bridge;
- (d) regulate or prohibit traffic, or any class of traffic, upon the bridge or any part thereof;
- (e) regulate the use of the bridge or any part thereof by the public;
- (f) regulate or prohibit the sale of goods upon the bridge or any part thereof;
- (g) make provision for the preservation of order, decency, and public safety upon the bridge or any part thereof;
- (h) regulate, control, and restrict the passage of shipping and navigation under the bridge;
- (i) prescribe the cases in which, and the conditions under which the bridge may be closed to traffic; and
- (j) impose penalties, not exceeding fifty pounds, for offences against the regulations.

(3) A regulation under this Act may confer on the Minister or any police officer or other prescribed officer any power or authority that may be required or convenient for carrying into effect all or any of the provisions of that or any other regulation under this Act.

THE FIRST SCHEDULE.

(Section 3.)

AUTHORIZED WORKS.

1. The construction of a high-level bridge across the River Derwent at Hobart between such points on the western and eastern shores thereof as the Minister may determine designed, in common with the approaches thereto, to carry four vehicular laneways and two footways.

2. The construction of the necessary approaches to the bridge.

3. The erection and maintenance of traffic control devices on roads in the vicinity of the bridge during the progress of the work of executing or carrying out any of the authorized works.

4—(1) The reclamation from the River Derwent of the land to which this paragraph applies, and, on the completion of the construction of the bridge, the conversion of the land so reclaimed into a public park or reserve, and the carrying out of works incidental to, or connected with, the conversion thereof.

(2) In this paragraph, the expression "land to which this paragraph applies" means the land in Montagu Bay comprised within the area between mean high-water mark on the shores of that bay and up to, but not beyond, an imaginary straight line drawn from point A to point B on the plan set forth in the second schedule, being the area in that plan bounded by heavy black lines.

5. The erection, construction, and installation of workshops and other buildings, and of machinery and equipment, on—

- (a) the land that is reclaimed pursuant to paragraph 4 of this schedule; and
- (b) such Crown lands on the western shore of the River Derwent (in the vicinity of the old bridge) as may be approved for that purpose by the Commissioner of Crown Lands.

6. The removal of moorings, jetties, sheds, slipways, and other like structures in Montagu Bay or on the foreshore thereof, and the re-erection or replacement thereof in other positions in or in the vicinity of that bay on the completion of the construction of the bridge.

7. The demolition or dismantling of the old bridge and the removal to, and storage in, Geilston Bay of the whole or any part thereof, until disposed of, and the provision and maintenance of the necessary moorings and anchorages for that purpose.

8. The construction of all other works that are necessary for, or incidental to, the execution and carrying out of the foregoing works or any of them.

No. 81.

1958.

Hobart Bridge.

THE SECOND SCHEDULE.

(Section 6.)

LAND TO BE RECLAIMED.

