

An Act to make Provision with respect to the Application of the Provisions of the *Local Government (Streets) Act* 1948 to State Highways Main Roads Developmental Roads Tourists' Roads and Forest Roads.

[13th August, 1948.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Country Roads Act* 1948 and shall be read and construed as one with the *Country Roads Act* 1928 (hereinafter called the Principal Act) and the Acts and enactments amending the same all of which Acts and enactments and this Act may be cited together as the Country Roads Acts.

Short title
construction
and citation.

Nos. 3662, 3844,
3944, 4038,
4050, 4086,
4109 s. 16,
4140, 4188,
4219, 4313,
4332 s. 2, 4344,
4401, 4405,
4414, 4415,
4458, 4477,
4498, 4500,
4570, 4585,
4649, 4752,
4832, 4908,
4953, 4973,
5041, 5104,
5156, 5226 s. 18,
5243, 5278.

2. (1) Subject

Extension
of No. 5289
to State
highways
main roads
developmental
roads tourists'
roads and
forest roads.

2. (1) Subject to the following provisions of this section the powers functions and duties conferred and imposed upon municipal councils by or under the *Local Government (Streets) Act* 1948 shall so far as applicable be conferred and imposed also upon the Country Roads Board so far as relates to the declaration of the alignment the widening and the opening up of State highways main roads developmental roads tourists' roads and forest roads, and the provisions of the said Act shall extend and apply accordingly with such modifications as are necessary and in particular with the modifications that—

(a) every reference in the said Act to any municipality or to the council of any municipality shall (except where the reference is to the sending of any plan of a proposed alignment or new alignment to a council or to the keeping of such a plan at the municipal offices of a municipality) be read and construed as a reference to the Board ; and

(b) every reference in the said Act to a street shall be read and construed as a reference to a State highway main road developmental road tourists' road or forest road (as the case requires).

Approval of
Governor in
Council to
opening up or
widening.

(2) No State highway main road developmental road tourists' road or forest road shall be widened or opened up pursuant to this Act unless the Governor in Council has by Order published in the *Government Gazette* approved such widening or opening up.

Opening up,
&c., under
No. 5289
deemed
making of
road, &c.,
under No.
3682, 4405
or 4953.

(3) The opening up or widening of any State highway main road developmental road tourists' road or forest road pursuant to this Act shall for all purposes be deemed to be the making of such State highway main road or developmental road pursuant to the *Principal Act* or the making of such tourists' road or forest road pursuant to the *Country Roads (Tourists' Roads) Act* 1936 or the *Country Roads (Forest Roads and Stock Routes) Act* 1943 (as the case may be) and the cost thereof (including the compensation payable for the acquisition of the land required) shall be treated as the cost of the carrying out of permanent works on or in relation to such highway or road and shall be apportioned (where necessary) and paid accordingly.

(4) If

(4) If any question arises between the council of any municipality and the Country Roads Board as to or arising out of the exercise or carrying out by either of its powers functions or duties under the *Local Government (Streets) Act* 1948 or this Act in respect of any State highway main road developmental road tourists' road or forest road the Governor in Council may by Order finally and conclusively determine that question and may for the purpose of that determination adjust and apportion any matter or thing between the council and the Board.

Determination
of questions
between
municipalities
and Board.