

84. Liability for damage to roads, etc.

- (1) The owner of a vehicle shall be liable in damages to a road authority for any expense or loss incurred by that road authority because of damage or injury to a road caused by, or happening as a result of —
- (a) the use of the vehicle on the road; or
 - (b) the passage along the road of the vehicle or of anything carried, drawn, or propelled by the vehicle,

and those damages may be recovered by proceedings in a court of competent jurisdiction.

- (2) If any damage or injury referred to in subsection (1) is caused to any bridge or culvert, the person in charge of the vehicle shall, if the damage or injury has caused the bridge or culvert to be hazardous to other vehicles or pedestrians, immediately place a conspicuous warning mark or sign on or near the bridge or culvert, and shall, in any event, forthwith inform the officer in charge of the nearest police station of the damage or injury.

- (3) In any proceedings for the recovery of damages under this section a certificate of the kind referred to in section 98(2b) is evidence for the purposes of proving the ownership of a vehicle as though the proceedings were proceedings for an offence under this Act.

- (4) In this section —

“road” has the meaning set out in the definition of “road” in section 6 of the *Main Roads Act 1930* and, without limiting that definition, includes trees, plants and shrubs appurtenant to a road;

“road authority” means a local government or the Commissioner of Main Roads.

[Section 84 amended by No. 77 of 1975 s. 4; No. 105 of 1981 s. 19; No. 95 of 1984 s. 6; No. 11 of 1988 s. 15; No. 14 of 1996 s. 4.]