



# Roadsides and the Law

*A three session on-line  
professional development course  
for road authorities and urban and  
rural councils*

## Session 1

- **What is a road?**

How the law sees roads: physical roadways and cadastral road reserves; 'public highways' under common law; unused government roads;  
Caselaw: *Fenelon v Dove* (VSCA, 2010)

- **Responsibilities for roadsides**

How the *Road Management Act 2004* recognises roadsides and assigns responsibility; the roles of Councils, RRV, VicRoads, DELWP and CMAs  
Caselaw: *Kennedy v Campaspe* (VSCA, 2015)

- **Roadside infrastructure**

Utilities, crossovers, culverts and pathways: what approvals are needed, and who grants them  
Caselaw: *Clarke v Shepparton* (VSCA, 2017)  
Caselaw: *Block v Powercor* (VSC, 2019)

## Session 2

- **Controls over roadsides**

Local laws, planning schemes and referral authorities, the *Aboriginal Heritage Act 2006*, the *Catchment and Land Protection Act 1994*; the *Electricity Safety Act 1998* and regulations

- **Roadside vegetation**

Native vegetation, exotic vegetation, weeds and pests, dangerous trees, fire control, 'nature strips'  
Caselaw: *VicRoads v Mt Alexander* (VCAT, 2006)

## Session 3

- **Roadside safety**

The common law 'duty of care,' defences in the *Wrongs Act 1958* and the *Road Management Act 2004*; the TAC, insurance cover, roads as workplaces  
Caselaw: *Monty v Bayside* (County Court, 2010)  
Caselaw: *DPP v VicRoads and Downer* (County Court, 2015)

- **Occupation, Use and Boundary Issues**

Fences, grazing, tree reserves, advertising signs, balconies... their authorisation, responsibility and removal  
Caselaw: *Octopus Media v Kingston* (VCAT)



Our Presenter

**David  
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### **Cost**

\$495 - including GST,  
course notes, and  
Certificate of Attendance.

### **Enquiries and Registrations**

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