



ANNO VICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1972

\*\*\*\*\*

**No. 83 of 1972**

An Act to amend the Highways Act, 1926-1972.

*[Assented to 19th October, 1972]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short titles.**

1. (1) This Act may be cited as the "Highways Act Amendment Act (No. 2), 1972".

(2) The Highways Act, 1926-1972, as amended by this Act, may be cited as the "Highways Act, 1926-1972".

(3) The Highways Act, 1926-1972, is hereinafter referred to as "the principal Act".

**Commencement.**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 27b—  
Widening of main roads.**

3. Section 27b of the principal Act is amended—

(a) by striking out subsections (6) and (7) and inserting in lieu thereof the following subsections:—

(6) Any compensation payable by the Commissioner on the acquisition of any land pursuant to subsection (5) of this section shall not include—

(a) the value of any building, fence or other structure or any well, dam or other water supply erected or constructed upon or in the land after the day of deposit;

or

(b) any enhancement of the value of the land by reason of any alteration of, addition to or repair of any such building, fence, other structure, well, dam or other water supply carried out after the day of deposit and without the consent of the Commissioner.

(7) For the purposes of this section and of any proceedings thereunder—

(a) the plan deposited by the Commissioner shall be *prima facie* evidence as to what buildings, fences and other structures and wells, dams and other water supplies were erected or constructed upon or in the land at the day of deposit;

and

(b) it shall lie upon the person claiming compensation to prove that any alteration, addition or repair referred to in paragraph (b) of subsection (6) of this section was carried out with the consent of the Commissioner.;

and

(b) by inserting after subsection (8) the following subsection:—

(8a) The Commissioner may by notice in writing consent to any owner adding to, altering or repairing any building, fence or structure or well, dam or other water supply upon or in any such land, after the day of deposit and in any such notice the Commissioner may agree to any special arrangements in relation to any such addition, alteration or repair as shall apply upon the acquisition of the land by the Commissioner or otherwise as appears just to the Commissioner.

Amendment of  
principal Act,  
s. 36a—  
Payment by  
Municipal  
Tramways  
Trust.

4. Section 36a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) The Municipal Tramways Trust shall by way of contribution towards the cost of the maintenance and lighting of such roads as are hereinafter mentioned in this section pay to the Commissioner in respect of the month next occurring after the commencement of the Highways Act Amendment Act (No. 2), 1972, and in respect of each succeeding month an amount equal to .95 of one cent for every kilometre travelled upon any road by every motor omnibus or other omnibus of the Municipal Tramways Trust during the month in respect of which the amount is payable.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy