



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 37 of 1963

An Act to amend the Highways Act, 1926-1960.

[Assented to 28th November, 1963.]

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, 1963".

(2) The Highways Act, 1926-1960, as amended by this Act, may be cited as the "Highways Act, 1926-1963".

(3) The Highways Act, 1926-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
26.

3. Section 26 of the principal Act is amended—

(a) by striking out the words "this section" in the proviso to subsection (1) thereof and inserting in lieu thereof the words "this subsection"; and

(b) by inserting after subsection (3b) thereof the following subsections :—

(3c) When the Commissioner is of opinion that a road or work is unsafe to pedestrians or vehicles, the Commissioner may—

(a) close the road or work to pedestrians or vehicles ; and

(b) for that purpose erect fences or barriers.

(3d) Where the Commissioner closes or proposes to close under subsection (3c) a road or work that is within a district, the Commissioner shall as soon as practicable give notice thereof in writing to the council of that district.

(3e) The Commissioner shall display such notices and make such provision for lights or other warning devices as is necessary in the interests of public safety.

(3f) A notice under subsection (3e) may state—

(a) that the road or work is closed to all pedestrians or all vehicles or both of them ; or

(b) that the road or work is closed to vehicles exceeding a specified weight or vehicles of a specified class,

and the notice shall, subject to subsection (3g), have effect according to its tenor.

(3g) A person shall not, except with the permission of the Commissioner—

(a) drive, ride or propel a vehicle on or over a road or work in contravention of a notice under subsection (3f) ;

(b) drive, ride or lead any horse or cattle on a road or work that is closed to all vehicles under this section ; or

(c) remove or damage any fence barrier notice light or other warning device erected displayed or provided under this section.

Penalty for contravention of this subsection :
Fifty pounds.

4. Section 26c of the principal Act is amended by striking out subsection (4) thereof.

Amendment of
s. 26c of
principal Act.

5. The following section is inserted in the principal Act after section 26c thereof :—

Enactment of
s. 26ca of
principal Act.

26ca. If he considers it necessary for the safety, guidance or direction of road or river traffic so to do, the Commissioner may, with the approval of the Minister, cause any traffic island, roundabout or dividing strip on any road which is outside a municipality or township within the meaning of the Local Government Act, 1934-1961, or any structure for the maintenance of which the Commissioner

Illumination of
traffic islands
and structures.

is responsible and which is outside a municipality or township within the meaning of the said Act, or any ferry or ferry approach to be illuminated as the Commissioner deems requisite. For the purposes of this section the Commissioner may enter into any contract with any person for the supply of electricity or other illuminant and for any requisite apparatus and machinery and shall have and may exercise all the powers of a council conferred by sections 483 and 484 of the Local Government Act, 1934-1961.

Enactment of
s. 27f of the
principal Act—

6. The following section is inserted in the principal Act after section 27e thereof:—

Power to enter
upon land.

27f. (1) In this section, "owner", in relation to land, means a person having an estate or interest (legal or equitable) in land and includes a person having any easement right power or privilege over affecting or in connection with land.

(2) For the purpose of—

- (a) surveying or taking levels of any land ;
- (b) probing boring or sinking holes or pits on or in any land or otherwise examining the soil structure of the land ;
- (c) setting out the line of any work the Commissioner proposes to undertake under this Act ; or
- (d) doing any other thing necessary for the exercise of the powers of the Commissioner under this Act,

the Commissioner an inspector or other officer authorized by the Commissioner may, upon giving notice in writing to the owner of any land, enter upon the land and perform all or any of the functions specified in the preceding paragraphs of this subsection.

(3) Notice under subsection (2) may be given—

- (a) by post addressed to the owner at the home or place of business of the owner ; or
- (b) to any person apparently over the age of fourteen years at the home or place of business of the owner.

(4) If an owner of land suffers loss or damage as a result of the exercise of the powers of the Commissioner under subsection (2) of this section, the owner shall be entitled to compensation.

(5) The amount of the compensation shall, notwithstanding section 29 of this Act, be determined as provided by Division II of Part IV of the Compulsory Acquisition of Land Act, 1925-1959, as if the Commissioner were the promoters as defined by that Act.

7. Section 30c of the principal Act is amended by striking out the passage "sections 122b and 130c of the Road Traffic Act, 1934-1959," and inserting in lieu thereof the passage "section 22 of the Road Traffic Act, 1961".

Amendment of
principal Act,
s. 30c.

8. Subsection (3) of section 31 of the principal Act is amended by striking out paragraphs (a) and (b) therein and inserting in lieu thereof the words "licence fees and registration fees under the Motor Vehicles Act, 1959-1963,".

Amendment of
principal Act,
s. 31.

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

EDRIC BASTYAN, Governor.