



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

No. 35 of 1952.

An Act relating to the operation of certain State laws in areas to which the entry of persons is restricted under laws of the Commonwealth or of the State, and for other purposes.

[Assented to 27th November, 1952.]

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

- Short title.** **1.** This Act may be cited as the " Prohibited Areas (Application of State Laws) Act, 1952 ".
- Interpretation.** **2.** In this Act " prohibited area " means an area within the State which has been declared to be a prohibited area pursuant to—
- (a) the Supply and Development Act, 1939-1948, of the Commonwealth, or any regulations thereunder ;
 - (b) the Defence (Special Undertakings Act), 1952, of the Commonwealth ;
 - (c) the Uranium Mining Act, 1949-1952, of the State.
- Meaning of " the public " and other expressions.** **3.** Notwithstanding that the entry of the public into a prohibited area is restricted, in order to remove doubts it is hereby declared that for the purpose of the application of any enactment or regulation of the State or of any rule of the common law to any person, act, place, matter or thing in a prohibited area—
- (a) the persons within that area shall be deemed to be the public, and the expression " the public " or

The Lottery and Gaming Act, 1936-1950, including all amendments passed to the end of 1950 and notes of judicial decisions, is reprinted in the Annual Volume, 1950, at page 205.

“members of the public,” or any other expression to the like effect shall be construed accordingly ;

- (b) any act, place, matter or thing within that area which is of such a nature that it would have been public if the area had not been a prohibited area shall be deemed to be public, and the adjective “public” shall be construed accordingly.

4. Without limiting the general operation of section 3 of this Act, it is hereby declared that—

Application of
certain Acts to
prohibited
areas.

(1) A road, street, terrace, thoroughfare, or other place which is within a prohibited area and—

- (a) is commonly used by such members of the public as are within such area ; or
- (b) is a road, street, terrace, thoroughfare or place to which such members of the public are permitted to have access,

shall be a road within the meaning of the definition of “road” in Parts II., II.A., III., IV., V. and VI. of the Road Traffic Act, 1934-1952.

(2) The following places shall be deemed to be public places within the meaning of the definition of “public place” in the Police Act, 1936-1951, namely :—

- (a) every place within a prohibited area to which with the express or tacit consent of the owner or occupier of that place free access is permitted to such members of the public as are within that prohibited area ; and
- (b) every place within a prohibited area to which such members of the public as are within that prohibited area are admitted on payment of money, the test of the admittance being the payment of money only ; and
- (c) every road, street, footway, court, alley, or thoroughfare in a prohibited area which such members of the public as are within that prohibited area are allowed to use notwithstanding that such road, street, footway, court, alley or thoroughfare is formed on private property.

(3) The following places shall be public places within the meaning of the definition of “public place” contained in section 4 of the Lottery and Gaming Act, 1936-1938 :—

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- (a) every place in a prohibited area to which such members of the public as are within that prohibited area are permitted to have access, tacitly or otherwise, and whether upon payment of money or not ; and
- (b) any place in a prohibited area commonly used, whether as trespassers or otherwise, by such members of the public as are within that prohibited area.

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

J. M. NAPIER, Lieutenant-Governor.