



ANNO OCTAVO

GEORGI VI REGIS.

A.D. 1944.

No. 36 of 1944.

An Act to amend the Highways Act, 1926-1938.

[Assented to 14th December, 1944.]

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

1. (1) This Act may be cited as the "Highways Act Amendment Act, 1944". Short titles.

(2) The Highways Act, 1926-1938, as amended by this Act, may be cited as the "Highways Act, 1926-1944".

(3) The Highways Act, 1926-1938, is hereinafter referred to as "the principal Act".

2. The following section is enacted and inserted in the principal Act after section 20b thereof :— Amendment of principal Act—

20c. The Commissioner shall have and may exercise all the powers of a council under sections 416 to 420 (both inclusive) of the Local Government Act, 1934-1941, and the provisions of those sections shall, *mutatis mutandis*, apply to the Commissioner in the exercise of the said powers as if the words "Commissioner of Highways" were substituted for the word "council" wherever it appears in those sections : Provided that those provisions of paragraph (a) of section 416 of the said Act which relate to the distances from any works or undertakings within which the powers conferred by that section may be exercised shall not apply to the Commissioner when exercising any power conferred by or pursuant to this section. Power of Commissioner to take materials from land.

Amendment of
principal Act—

Lighting of the
Port Road and
other roads.

3. The following section is enacted and inserted in the principal Act after section 26b thereof :—

26c. (1) The Commissioner may cause the main road known as the Port Road or any part thereof, or any other road or part of a road approved by the Governor on the recommendation of the Commissioner, to be lighted as the Commissioner deems requisite. For that purpose the Commissioner shall have and may exercise all the powers of a council conferred by sections 483 and 484 of the Local Government Act, 1934-1941, and may enter into any contract with any person for the supply of electricity or other illuminant and for any requisite apparatus. Any person with whom the Commissioner contracts for lighting any such road or any part thereof shall, in respect of that road or part, have and may exercise the powers conferred by section 483 of the Local Government Act, 1934-1941.

(2) Every council within the district of which is situated any part of any such road which is lighted as aforesaid shall pay to the Commissioner one-third of the cost of lighting that part, but the council shall not be required to pay annually any amount in excess of eighteen per centum of the rates payable pursuant to the Local Government Act, 1934-1941, to the council in respect of ratable property abutting that part of the road which is lighted as aforesaid.

(3) Any amount payable as aforesaid to the Commissioner by a council shall be paid at such times as are from time to time determined by the Commissioner.

(4) The total amount (exclusive of any amounts payable as aforesaid to the Commissioner by any council) which in any financial year may be expended by the Commissioner for the purposes of this section shall not exceed five thousand pounds.

Amendment of
principal Act—

Power of
Commissioner
to destroy grass,
etc., on roads.

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

26d. The Commissioner may burn or otherwise destroy any grass, weeds, or other similar growth upon any road which is constructed, reconstructed, repaired, or maintained by the Commissioner or which is under the care, control and management of the Commissioner and for that purpose shall have the powers and immunities of a district council under subsection (3) of section 4 and section 5a of the Bush Fires Act, 1933-1942.

Amendment of
principal Act,
s. 27d—
Fences, etc.,
cross roads.

5. Section 27d of the principal Act is amended—

(a) by striking out the word "main" in the fifth line thereof ;

(b) by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) If any fence, gate, ramp, or petrol pump is erected (whether before or after the passing of the Highways Act Amendment Act, 1944) on or across any road not within the boundaries of any district and a permit is not granted in respect thereof pursuant to this section or section 9 of the Crown Lands Act, 1929-1944, or any such permit granted in respect thereof is cancelled or ceases to have effect, the Commissioner may remove the fence, gate, ramp, or petrol pump and recover the cost of removal from the owner thereof in any court of competent jurisdiction.

(3) The Commissioner may erect and keep erected any ramp on any road not within the boundaries of any district and may remove any such ramp.

6. (1) Section 32 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraphs :—

(g) in defraying the cost of any operations in connection with any roads and works appertaining to any roads in any case where the said cost or any part thereof is undertaken to be repaid by any council or statutory or public body on such terms and conditions for the payment thereof as may be agreed between the Commissioner and the council or statutory or public body, including the payment of interest :

(h) with the approval of the Minister, in making advances to any council, on such terms and conditions as may be agreed between the Commissioner and the council for the repayment thereof and the payment of interest thereon, for the purpose of enabling the council to purchase any plant for road making purposes and, notwithstanding the provisions of the Local Government Act, 1934-1941, any council is hereby authorized to receive any such advance and to enter into any agreement as aforesaid.

(2) Subsection (2) of section 31 of the principal Act (as enacted by section 3 of the Highways Act Amendment Act, 1938) is amended by adding at the end thereof the following paragraphs :—

(d) any moneys paid to defray the cost of any operations carried out pursuant to the powers conferred on the Commissioner under paragraph (g) of subsection (1) of section 32 and any interest paid pursuant to the said paragraph :

Amendment of
principal Act,
ss. 31 and 32—
Power to carry
out certain
works.

- (e) any moneys repaid by a council pursuant to paragraph (h) of subsection (1) of section 32 and any interest paid by a council pursuant to the said paragraph :
- (f) any moneys paid by a council pursuant to section 26c :
- (g) any amount paid by the Municipal Tramways Trust pursuant to section 36a.

Amendment of
principal Act—

7. The following section is enacted and inserted in the principal Act after section 36 thereof :—

Payment by
Municipal
Tramways
Trust.

36a. In the month of February in every year, the Municipal Tramways Trust shall, by way of contribution towards any cost incurred by the Commissioner for the maintenance or lighting of any such roads as are hereinafter mentioned in this section, pay to the Commissioner an amount equal to 0·17 pence for every mile travelled upon any road by every motor omnibus, trolley omnibus, or other omnibus of the Municipal Tramways Trust during the period of twelve months ending on the preceding thirty-first day of January.

Amendment of
principal
Act, s. 39d—
Regulations.

8. Section 39d of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) The Governor, on the recommendation of the Commissioner, may make regulations—

- (a) to regulate and control traffic upon the said bridge and the approaches thereto and upon the bridge at Port Adelaide known as Jervois Bridge and the approaches thereto ;
- (b) to regulate or prohibit fishing from the said bridge and the said Jervois Bridge ;
- (c) fixing penalties, recoverable summarily, not exceeding in any case the sum of twenty pounds for the breach of any regulation made under this subsection.

Amendment of
principal Act.

9. The principal Act is amended in the manner shown in the schedule to this Act.

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

J. M. NAPIER, Lieutenant-Governor.

THE SCHEDULE.

AMENDMENTS TO THE HIGHWAYS ACT, 1926-1938.

Provision Amended.	How Amended.
Heading to Part III.....	The heading "Financial Provisions Relating to the Construction and Maintenance of Main Roads" is amended by striking out the word "Main" therein.
Heading to section 31	The heading "The Main Roads Fund" is amended so as to read "The Highways Fund."
Section 39c	The passage "39a" is substituted for the passage "30a" in the fourth line of section 39c.
