ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA

—

1938

ACTS

OF

THE PARLIAMENT

OF

SOUTH AUSTRALIA

1938

With Acts reprinted pursuant to the Amendments Incorporation Act, 1937, Tables, and Indexes.

Pursuant to arrangements entered into by the Government of South Australia, the Tables, and Indexes in this Volume are prepared by

THE LAW BOOK COMPANY OF AUSTRALASIA PTY. LIMITED

ADELAIDE - - 12 PIRIE STREET
MELBOURNE - - 425 CHANCERY LANE
SYDNEY - - 140 PHILLIP STREET
BRISBANE - - 21 ADELAIDE STREET

Printed and published, by authority, by
FRANK TRIGG, GOVERNMENT PRINTER, ADELAIDE

1939

Table of Contents.

	Page.
Alphabetical list of Acts passed in the year 1938	vii.
Alphabetical list of Acts reprinted pursuant to the Amendments Incorporation Act, 1937	viii.
Acts passed in the year 1938	1
Acts reprinted pursuant to the Amendments Incorporation Act, 1937	285
Table of Public General Acts in force	545
Table of Public Acts of Restricted Application in force	573
Table of Private Acts in force	579
Table of Acts repealed since 1st April, 1937	582
Table of Acts affected by Amendment or Judicial Decision	585
Table of Regulations, Rules, By-laws, Proclamations, and Notices in force.	599
Index to Acts passed in the year 1938	631
Index to Acts reprinted pursuant to the Amendments Incorporation Act, 1937	649

Alphabetical list of Acts passed in the Year 1938.

	Page.
Abattoirs Act Amendment Act, 1938	190
Agricultural College Act Amendment Act, 1938	112
Agricultural Graduates Land Settlement Act Amendment Act, 1938	82
Agricultural Seeds Act, 1938	51
Alberton Cemetery Act, 1938	44
Animals and Birds Protection Act Amendment Act, 1938	19
Appropriation Act, 1938	47
Building Societies Act Amendment Act, 1938	114
Business Agents Act, 1938	173
Chaff and Hay Act Amendment Act, 1938	4
Community Hotels (Incorporation) Act, 1938	93
Cornsacks Act, 1938	124
Crown Lands Act Amendment Act, 1938	95
Dairy Produce Act Amendment Act, 1938	39
Dried Fruits Act Amendment Act, 1938	136
Farmers Assistance (Extension) Act, 1938	170
Fire Brigades Act Amendment Act, 1938	17
Fisheries Act Amendment Act, 1938	29
Fisheries Act Amendment Act, (No. 2), 1938	171
Friendly Societies Act Amendment Act, 1938	233
Highways Act Amendment Act, 1938	14
Impounding Act Amendment Act, 1938	129
Income Tax (Rates) Act, 1938	74
Legal Practitioners Act Amendment Act, 1938	83
Loans for Fencing and Water Piping Act, 1938	98
Local Government Act Amendment Act, 1938	201
Lottery and Gaming Act Amendment Act, 1938	40
Lottery and Gaming Act Amendment Act (No. 2), 1938	159
Lower River Broughton Irrigation Trust Act, 1938	235
Matrimonial Causes Act Amendment Act, 1938	278
Noxious Weeds Act Amendment Act, 1938	41
Nurses Registration Act Amendment Act, 1938	85
Police Act Amendment Act, 1938	64

	Page.
Public Purposes Loan Act, 1938	7
Public Service Act Amendment Act, 1938	199
Road Traffic Act Amendment Act, 1938	140
South Australian Railways Commissioner's Act Amendment Act, 1938	67
The Spicer Cottages Trust Act Amendment Act, 1938 (*Private Act*)	280
Stamp Duties Act Amendment Act, 1938	12
Superannuation Act Amendment Act, 1938	196
Supply Act (No. 1), 1938	1
Supply Act (No. 2), 1938	5
Surplus Revenue Act, 1938	79
Veterinary Surgeons Act Amendment Act, 1938	132
Weights and Measures Act Amendment Act, 1938	3
Wheat Products Prices Act, 1938	87
Wild Dogs Act Amendment Act, 1938	37
Workmen's Compensation Act Amendment Act, 1938	274

Alphabetical list of Acts reprinted pursuant to the Amendments Incorporation Act, 1937.

	Page.
Animals and Birds Protection Act, 1919-1938	285
The Building Societies Act, 1881-1938	307
Fisheries Act, 1917-1938	338
Lottery and Gaming Act, 1936-1938	367
Road Traffic Act, 1934-1938	432

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2382.

An Act to apply, out of the General Revenue, the sum of Eight Hundred Thousand Pounds to the Public Service for the Year ending the Thirtieth day of June, nineteen hundred and thirty-nine.

[*Assented to* 14*th July,* 1938.]

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

1. This Act may be cited as the "Supply Act (No. 1), 1938". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and thirty-nine, any sum or sums of money not exceeding in the whole the sum of eight hundred thousand pounds. Issue and application of £800,000.

3. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended the thirtieth day of June, nineteen hundred and thirty-eight, except such payments as are necessary to pay any annual increases of salary fixed by— Payments not to exceed last year's Estimates.

(*a*) any return which has been made by the Classification and Efficiency Board under the Public Service Act, 1936-1937, or any previous Act relating to the Public Service, and is for the time being in force; or

(*b*) any regulation made by the South Australian Railways Commissioner and confirmed by the Governor-in-Council and for the time being in force:

Provided that this section shall not authorise the payment of any increase whereby any salary is increased to a sum exceeding two hundred and ninety-eight pounds per annum.

Recoup to Governor's Appropriation Fund.

4. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and thirty-eight, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1937, to the full extent and for the purposes permitted by that subsection.

(2) In this section "Governor's Appropriation Fund" means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1937.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2384.

An Act to amend the Chaff and Hay Act, 1922.

[*Assented to 11th August,* 1938.]

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 "Chaff and Hay Act Amendment Act, 1938".

(2) The Chaff and Hay Act, 1922, as amended by this Act, may be cited as the "Chaff and Hay Act, 1922-1938".

(3) The Chaff and Hay Act, 1922, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 9—Percentage of moisture.

2. Section 9 of the principal Act is amended by striking out the words "twelve and one-half" in paragraph (*c*) of subsection (1) thereof and by inserting in lieu thereof the word "fourteen".

Amendment of principal Act, s. 22—Regulations.

3. Section 22 of the principal Act is amended by inserting after the word "Act" first occurring in the second line thereof the words "prescribing methods whereby the moisture content of chaff shall be determined, and"

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

Provided that this section shall not authorise the payment of any increase whereby any salary is increased to a sum exceeding two hundred and ninety-eight pounds per annum.

Recoup to Governor's Appropriation Fund.

4. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and thirty-eight, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1937, to the full extent and for the purposes permitted by that subsection.

(2) In this section " Governor's Appropriation Fund " means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1937.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

Advances.

6. The Governor may, by warrant countersigned by the Chief Secretary, authorise the Treasurer to advance to the proper responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole the amount authorised by this Act to be borrowed; and an amount equal to the sums of money so advanced shall be retained by the Treasurer out of any moneys borrowed under the authority of this Act, and applied in repayment of the moneys so advanced.

Power to borrow money for expenses incurred.

7. In addition to the amount of eight hundred thousand pounds authorised by section 3 of this Act to be borrowed, there may be borrowed under that section such sum as will be sufficient to pay all discounts, charges, and other expenses incurred in connection with the borrowing of that amount of eight hundred thousand pounds, and the amount of those discounts, charges, and other expenses shall be charged proportionately to the several purposes set forth in the first schedule to this Act.

Re-application of repaid loan moneys.

8. (1) In this section and in the following section "repaid loan moneys" means money received by the Treasurer in repayment of advances made or other sums expended out of moneys borrowed under any Act.

(2) The Treasurer may apply any repaid loan moneys for the time being in his hands to the several purposes set forth in the second schedule to this Act and to the extent therein set forth, and in such amount and manner as the Governor by warrant under his hand countersigned by the Chief Secretary from time to time authorises and directs.

Entries of repayments in Treasury accounts.

9. Whenever the Treasurer receives any repaid loan moneys he shall make a reduction corresponding to the amount so received, in the debits of the appropriate loan accounts in the books of the Treasurer.

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

W. DUGAN, Governor.

SCHEDULES.

THE FIRST SCHEDULE.

Undertakings to be Paid for out of Loans raised pursuant to this Act.

Undertaking.	Amount.	
	£	£
HIGHWAYS AND LOCAL GOVERNMENT.		
Construction of Roads	—	200,000
CONSERVATOR OF FORESTS.		
Afforestation	—	100,000
ENGINEERING AND WATER SUPPLY.		
Adelaide and Millbrook Water District	100,000	
Country Water Districts	60,000	
Barossa Water District	20,000	
Beetaloo, Bundaleer and Baroota Water District ..	50,000	
River Murray—Weirs, Dams, Locks, &c.	50,000	
Metropolitan Floodwaters.....	20,000	
		300,000
ARCHITECT-IN-CHIEF.		
School Buildings	40,000	
Police and Courthouse Buildings.....	10,000	
Agricultural College	2,000	
Parliament Buildings	50,000	
S.A. School of Mines	7,000	
Institute of Medical and Veterinary Science	15,000	
		124,000
AGRICULTURE.		
Buildings for Agricultural Purposes	—	1,000
MISCELLANEOUS.		
Advances to South Australian Housing Trust.....	—	75,000
Total	—	£800,000

THE SECOND SCHEDULE.

Undertakings to be Paid for out of Repaid Loan Moneys.

Undertaking.	Amount.	
	£	£
STATE BANK.		
Advances for Homes	100,000	
Loans to Producers	6,000	
Frost Relief	3,000	
Advances to Settlers	10,000	
Loans for Fencing and Water Piping	6,000	
Vermin Proof Fencing	7,000	
		132,000
FARMERS' ASSISTANCE BOARD.		
Farmers Relief and Farmers Assistance Acts	400,000	
Drought Relief	7,000	
		407,000
LANDS.		
Land Repurchase for Closer Settlement	25,000	
Agricultural Graduates, Land for	10,000	
		35,000
IRRIGATION.		
Irrigation and Reclamation of Swamp Lands	22,000	
Lessees of Reclaimed Swamp Lands—Loans to	2,000	
South-Eastern Drainage	1,000	
		25,000
CONSERVATOR OF FORESTS.		
Afforestation (Portion of Expenditure only)	—	85,000
RAILWAYS COMMISSIONER.		
Railway Accommodation	—	185,000
HARBORS BOARD.		
Coal-handling Appliances	1,000	
Deepening, &c.	64,000	
Wharves, Jetties, Plant, &c.	100,000	
		165,000
ENGINEERING AND WATER SUPPLY.		
Adelaide Sewers	67,000	
Country Water Districts (Portion of Expenditure only)	24,000	
Beetaloo, Bundaleer and Baroota Water District (Portion of Expenditure only)	32,000	
Spring Creek and Mount Remarkable Water District	300	
Tod River Water District	84,000	
Warren Water District	21,000	
Water Conservation	6,000	
River Murray, Weirs, Dams, Locks, &c. (Portion of Expenditure only)	43,000	
Glanville Workshops	200	
Metropolitan Floodwaters (Portion of Expenditure only)	20,000	
		297,500

Undertakings to be Paid for out of Repaid Loan Moneys—continued.

Undertaking.	Amount.	
	£	£
ARCHITECT-IN-CHIEF.		
School Buildings (Portion of Expenditure only)	16,700	
Hospital Buildings	37,000	
Police and Courthouse Buildings (Portion of Expenditure only)	18,500	
Other Government Buildings—Additional Accommodation	1,000	
Architect-in-Chief Workshop	500	
Parliament Buildings (Portion of Expenditure only)	55,000	
Gaols and Prisons	500	
S.A. School of Mines (Portion of Expenditure only)	16,000	
Institute of Medical and Veterinary Science (Portion of Expenditure only)	5,000	
		150,200
AGRICULTURE.		
Buildings for Agricultural Purposes (Portion of Expenditure only)		200
PRODUCE DEPARTMENT.		
Produce Stores	—	20,000
MINISTER OF REPATRIATION.		
Settlement of Discharged Soldiers on Land	—	20,000
MUNICIPAL TRAMWAYS TRUST.		
Advances to Municipal Tramways Trust under Act 2225/1935	—	50,000
TREASURER.		
Expenses and Discounts of floating Conversion Loans	—	150,000
MISCELLANEOUS.		
Wheat Pools Account	—	1,000
Total	.....	£1,722,900

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2387.

An Act to amend the Stamp Duties Act, 1923-1937.

[*Assented to 25th August,* 1938.]

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 " Stamp Duties Act Amendment Act, 1938 ".

(2) The Stamp Duties Act, 1923-1937 (as amended by this Act) may be cited as the " Stamp Duties Act, 1923-1938 ".

(3) The Stamp Duties Act, 1923-1937, is in this Act 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.

Enactment of s. 31a of the principal Act—

3. The following section is hereby enacted and inserted in the principal Act after section 31 thereof :—

Duty on agreements for " walk in walk out " sales.

31a. Notwithstanding section 31 of this Act if—

(*a*) a contract or agreement in writing provides for the sale as a going concern of a pastoral holding, farm, orchard or other land used wholly or mainly for primary production, together with stock, implements and other chattels held or used in connection therewith ; and

(*b*) the contract or agreement sets out separately the consideration payable for the land and the consideration payable for stock, implements or other chattels ; and

(*c*) the Commissioner certifies in writing on the contract or agreement that he is of opinion that the consideration specified as being payable for the land represents the value of that land,

then the contract or agreement in writing shall be chargeable with stamp duty as if it related solely to the land mentioned therein and not to the stock, implements and other chattels.

Amendment of second schedule of principal Act—

Reduction of stamp duties on cheques.

4. (1) The second schedule to the principal Act is amended as follows:—

(*a*) In the paragraph commencing "BILL OF EXCHANGE, CHEQUE, ORDER" the amount "2d." is struck out and "1½d." is inserted in lieu thereof:

(*b*) The proviso, being the third, fourth, and fifth lines of the said paragraph, is repealed.

(2) The amendment made by this section shall come into operation on the sixteenth of January, nineteen hundred and thirty-nine.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2388.

An Act to provide for the constitution and application of a Highways Fund, and for purposes incidental thereto.

[*Assented to 25th August*, 1938.]

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, 1938".

(2) The Highways Act, 1926-1937, as amended by this Act, may be cited as the "Highways Act, 1926-1938".

(3) The Highways Act, 1926-1937, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into force on the first day of October, nineteen hundred and thirty-eight.

Amendment of principal Act—

3. Sections 31 and 31a of the principal Act are repealed and the following section is enacted in lieu thereof:—

Highways Fund.

31. (1) There shall be a Highways Fund which shall comprise all moneys paid into the Main Roads Fund before the commencement of the Highways Act Amendment Act, 1938, and all moneys paid into the Highways Fund as provided by this section.

(2) There shall be paid into the Highways Fund—

(*a*) any amounts paid by the Treasurer as provided by subsection (3) or subsection (4):

(*b*) all moneys by any law of the State directed to be paid into the said fund or into the Main Roads Fund:

(*c*) any loans raised and appropriated for roads.

(3) The Treasurer shall, not less frequently than once in every three months, pay into the Highways Fund all amounts collected or received in respect of—

(*a*) licence fees and registration fees under Part II. of the Road Traffic Act, 1934-1936 :

(*b*) licence fees under Part III. of the Road Traffic Act, 1934-1936,

after deducting therefrom such amount as is sufficient during the financial year in which the said amounts are collected or received, to pay—

(i.) the interest on the debit balance for the time being outstanding in the accounts of the Treasurer in respect of loans raised for roads and bridges ; and

(ii.) the sinking fund payments payable by the State under the financial agreement ratified by the Financial Agreement Act, 1927, in respect of loans raised for roads and bridges ; and

(iii.) to the Public Debt Commission for the purpose of the reduction and redemption of any loan raised after the first day of July, nineteen hundred and twenty-six, and appropriated to main roads (in addition to any other sum required by law to be paid for such purposes), such a sum as will amount to one and a quarter per centum of the principal for the time being of such loan ; and

(iv.) the administrative expenses of the Highways and Local Government Department and the Motor Vehicles Department.

(4) The Treasurer may in any financial year advance out of the general revenue and pay into the said fund any sum not exceeding the amount which he anticipates will in that financial year be received or collected and be payable to the said fund as provided by subsection (3). In any such case, the sum so advanced shall be deducted from the amount to be paid during the said financial year into the said fund as provided by subsection (3).

(5) Any reference in any other Act to the Main Roads Fund shall be deemed to be a reference to the Highways Fund.

Amendment of principal Act, s. 32—
Application of fund.

4. Section 32 of the principal Act is amended—

(*a*) by striking out paragraphs (*e*), (*f*) and (*g*) of subsection (1) thereof and by inserting in lieu thereof the following paragraphs :—

(*e*) in paying any grants to municipal and district councils pursuant to Part XVI. of the Local Government Act, 1934-1936 :

(*f*) in defraying the cost of any operations authorised by the Governor, upon the recommendation of the Commissioner, in connection with roads (other than main roads) and works appertaining to such roads, and in defraying the cost of any operations in connection with roads (other than main roads) and works appertaining to such roads which are being carried out by the Commissioner at the commencement of the Highways Act Amendment Act, 1938.

(*b*) by striking out subsection (2) thereof.

Consequential amendments.

5. Sections 11, 16, 32, 33 and 34 of the principal Act are amended by striking out the words "Main Roads Fund" and the words "main roads fund" wherever they occur in the said sections and by inserting in lieu thereof in every case the words "Highways Fund".

Amendment of principal Act, s. 33—
Use of loan money.

6. Section 33 of the principal Act is amended by striking out the word "main" in the third line thereof.

Consequential amendments of the Local Government Act, 1934-1936.

7. (1) Subsection (1) of section 299 of the Local Government Act, 1934-1936, is amended so as to read as follows :—

(1) The Governor may direct that in any financial year there shall be payable out of the Highways Fund established under the Highways Act, 1926-1938, an amount as grants to councils.

(2) Section 299 of the Local Government Act, 1934-1936, is amended by adding at the end thereof the following subsection :—

(4) All moneys received by any council pursuant to this section shall be expended by the council in defraying the cost of such operations in connection with roads (other than main roads) and works appertaining thereto as are approved by the Commissioner of Highways.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

establishing and maintaining of fire brigades and for the other purposes of this Act, within each fire district, and within each municipality or district, or part of a municipality or district, in which this Act applies :

(*b*) by adding the following subsection :—

(3) The board shall forward to each council a copy of the estimate of the expenditure towards which such council may become liable to make any payment.

Consequential amendments of the principal Act.

3. (1) The definition of " financial year " in section 5 of the principal Act is amended by striking out the words " thirty-first day of December " therein and by inserting in lieu thereof the words " thirtieth day of June ".

(2) Section 32 of the principal Act is amended by striking out the word " February " in the first line thereof and by inserting in lieu thereof the word " September ".

(3) Section 58 of the principal Act is amended—

(*a*) by striking out the word " July " in the fourth line thereof and by inserting in lieu thereof the word " April " ;

(*b*) by striking out the words " thirtieth day of June " in the seventh line thereof and by inserting in lieu thereof the words " thirty-first day of March "; and

(*c*) by adding after the word " applies " in the ninth line thereof the words " Provided that the return to be made in April, nineteen hundred and thirty-nine, shall show the amount of premium income as aforesaid for the period of nine months ended on the preceding thirty-first day of March ".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted to or revert to, or have been or are acquired by, the Crown :

(*b*) by inserting therein after the definition of " Crown lands " the following definition :—

" day " means a period of twenty-four hours commencing from midnight :

(*c*) by striking out the words " the Minister of Industry or other " in the definition of " Minister ".

Amendment of principal Act, s. 6—

3. Subsection (1) of section 6 of the principal Act is amended so as to read as follows :—

Protected animals.

(1) All animals and birds which are not mentioned in the third or fourth schedule are hereby wholly protected.

Amendment of principal Act, s. 8—

Powers of Governor.

4. Section 8 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) of subsection (1) thereof and by inserting in lieu thereof the following paragraphs :—

(*a*) include any animal or bird in the third or fourth schedule :

(*a*1) transfer any animal or bird from the third or fourth schedule to the other of the said schedules :

(*a*2) remove any animal or bird from the third or fourth schedule :

(*b*) by inserting after paragraph (*b*) of subsection (1) thereof the following paragraph :—

(*b*1) prescribe either for the whole State or any specified portion thereof and subject to any conditions specified in the proclamation, a period to be specified in the proclamation during which any wholly protected or partly protected animal or bird shall cease to be protected within the area specified in the proclamation and may lawfully be taken :

(*c*) by inserting after the word " schedule " in the second line of paragraph (*e*) of subsection (1) thereof the words " or with respect to any animal or bird which is for the time being unprotected pursuant to any proclamation made under paragraph (*b*1) of this subsection " :

(*d*) by striking out the proviso to paragraph (*e*) of subsection (1) thereof and by inserting in lieu thereof the following proviso :—

Provided that different maximum numbers may be fixed with respect to persons holding gun licences and persons holding game licences :

Amendment of principal Act, s. 11—

5. Section 11 of the principal Act is amended by inserting therein after paragraph (*b*) thereof the following paragraph :—

Powers of Minister.

(*b*1) upon the application of any person holding any licence under this Act, cancel the licence and refund to that person such portion of the licence fee as the Minister thinks fit, but not exceeding such proportion of the fee as the unexpired portion of the term of the licence bears to the full term of the licence :

Amendment of principal Act, s. 12—

6. Section 12 of the principal Act is amended—

Powers of inspectors.

(*a*) by inserting after the word "he" in the second and fifth lines of paragraph (*b*) thereof in each case the word "reasonably" ;

(*b*) by inserting after the word "he" in the third and sixth lines of paragraph (*c*) thereof in each case the word "reasonably" ; and

(*c*) by inserting therein after paragraph (*c*) thereof the following paragraph :—

(*c*1) enter and search any premises, or search any vehicle, boat, vessel, or any box, receptacle, or package, or open any box, receptacle, or package containing, or which he reasonably suspects to contain, any article made from the feathers, carcass, or skin of any animal or bird taken in contravention of the provisions of this Act, and examine any such article :

Amendment of principal Act, s. 13b—

Royalty.

7. Section 13b of the principal Act is amended—

(*a*) by adding at the end of subsection (2) thereof the words "In lieu of the receipt of the prescribed royalty, the collector may, in any case he thinks fit, accept an undertaking in writing to pay the prescribed royalty." ; and

(*b*) by inserting after the word "paid" in the fourth line of subsection (3) thereof the words "or undertaken to be paid".

Amendment of principal Act, s. 13d—Penalties.

8. Section 13d of the principal Act is amended by striking out the word "payment" in the first line thereof and by inserting in lieu thereof the word "receipt".

Amendment of principal Act, s. 14—Offences.

9. Section 14 of the principal Act is amended—

(*a*) by striking out the words "not being the holder of a game licence under this Act" and the words "mentioned in the third schedule" in paragraph (*b*) of subsection (1) thereof;

(*b*) by inserting before the word "exports" in paragraph (*e*) of subsection (1) thereof the words "without the consent of the chief inspector";

(*c*) by striking out the proviso to paragraph (*g*) of subsection (1) thereof; and

(*d*) by adding at the end thereof the following subsections:—

(3) It shall be a defence—

(*a*) to any proceedings under paragraph (*a*) of subsection (1) if proof is given that at the time and place the animal or bird or eggs were taken the animal or bird was not a protected animal or bird, or that the animal or bird was taken pursuant to an authority granted under subsection (2) of section 20;

(*b*) to any proceedings under paragraph (*c*) of subsection (1) wherein any person is charged with having in his possession or under his control the carcass, skin, eggs, or feathers of any animal or bird, if proof is given that at the time and place the animal or bird or eggs were taken, the animal or bird was not a protected animal or bird;

(*c*) to any proceedings under paragraph (*d*) of subsection (1) if proof is given that at the time and place the animal or bird was taken the animal or bird was not a protected animal or bird, or, as the case may be, that the carcass or skin of the animal or the carcass, eggs, or feathers of the bird were sold pursuant to the consent of the Minister under subsection (3) of section 20, or, as the case may be, that the article was made from the skin or feathers of an animal or a bird which at the time and place it was taken was not a protected animal or bird;

(*d*) to any proceedings under paragraph (*e*) of subsection (1) if proof is given that at the time and place the animal or bird was taken, the animal or bird was not a protected animal or bird.

(4) In any proceedings under paragraph (*c*), (*d*), or (*e*) of subsection (1), wherein any person is charged with having in his possession or under his control the carcass or skin of any protected animal or bird, or with buying or selling the carcass or skin of or any article wholly or partially made from the skin of any protected animal or bird, or with exporting or keeping for export the carcass or skin of any protected animal or bird, it shall be a defence if proof is given that the carcass or skin has been branded with a brand showing that the prescribed royalty has been paid thereon pursuant to this Act, or if other proof is given that the prescribed royalty has been paid or undertaken to be paid pursuant to this Act in respect of the carcass or skin.

Amendment of principal Act, s. 20—Exemptions.

10. Section 20 of the principal Act is amended—

(*a*) by striking out paragraph (*c*) thereof; and

(*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 the chief inspector is satisfied that damage or injury to any person's crops or property is being committed or is likely to be committed by any protected animals or birds, he may, by notice in writing, authorise the said person or any other persons named in the notice to destroy any specified number of animals or birds of the kind specified in the authority which are found upon the land upon which the crops or property is situated. Any such authority may be given upon such terms and conditions as the chief inspector thinks fit, and may be revoked by him at any time.

(3) It shall be lawful for any person to take any protected animal or bird in pursuance of any authority given pursuant to subsection (2), but the carcass or skin of any animal so taken, and the carcass, eggs, or feathers of any bird so taken shall be sold only if the consent in writing of the Minister to the sale is first obtained.

Amendment of principal Act, s. 22—
Exemptions.

11. Section 22 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) thereof and by inserting in lieu thereof the following paragraph :—

(*a*) shall render unlawful anything done by any person pursuant to a permit granted by the Minister or an authority granted by the chief inspector under this Act :

(*b*) by striking out paragraph (*c*) thereof ; and

(*c*) by adding at the end of paragraph (*d*) thereof the words " Provided that if any animal or bird is taken for either of the said bodies by any person, such person at the time of taking has the written authority thereof to take the animal or bird ".

Amendment of principal Act—
Heading to s. 23.

12. The heading to section 23 is amended by striking out the passage " for Sport ".

Amendment of principal Act, s. 25—

13. Section 25 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Persons selling certain animals or birds.

(1a) Any person who sells the carcass or skin of any animal or bird of any of the kinds mentioned in the third schedule or the eggs of any such bird, shall be guilty of an offence against this Act unless he satisfies the court that he is—

(*a*) the holder of a game licence ; or

(*b*) the holder of a consent to sell such carcass, skin, or eggs granted by the Minister under subsection (3) of section 20 ; or

(*c*) the holder of a licence under the Hide, Skin, and Wool Dealers Act, 1915-1935.

Amendment of principal Act, s. 26—
Licences.

14. Section 26 of the principal Act is amended—

(*a*) by adding at the end of subsection (2) thereof the following proviso :—

Provided further that if any licence is issued after the thirtieth day of June in any year one-half only of the prescribed fee shall be payable.

(*b*) by inserting therein after subsection (2) thereof the following subsection :—

(2a) If application is made by any person who is the holder of a current licence, a licence of the same kind may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall, for the purposes of subsection (2) be deemed to be issued upon the date of the expiry of the current licence.

Amendment of principal Act, s. 33—Penalties.

15. Section 33 of the principal Act is amended—

(*a*) by striking out the word "two" in paragraph (*b*) thereof and by inserting in lieu thereof the word "five"; and

(*b*) by striking out the word "twenty" in paragraph (*b*) thereof and by inserting in lieu thereof the word "thirty";

(*c*) by striking out the passage "subdivision (*a*), (*c*), (*d*), or (*e*)" in paragraph (*c*) thereof and by inserting in lieu thereof the passage "subdivision (*a*), (*b*), (*c*), (*d*), (*e*), (*k*), or (*l*)";

(*d*) by inserting after the word "held" in the fifth line of paragraph (*c*) thereof the word "imported,"; and

(*e*) by inserting after the word "animal" in the seventh line thereof the words "or a prohibited animal or bird".

Amendment of principal Act—Revocation of certain proclamations.

16. The principal Act is amended by inserting therein after section 38 thereof the following section:—

39. All proclamations made before the passing of the Animals and Birds Protection Act Amendment Act, 1938, pursuant to the powers conferred by paragraph (*a*) of subsection (1) of section 8 (as enacted before the passing of the said Act) are hereby revoked.

Repeal of second schedule.

17. The second schedule to the principal Act is hereby repealed.

Amendment of principal Act—Third schedule.

18. The third schedule to the principal Act is amended so as to read as follows:—

THIRD SCHEDULE.

Part I.—Animals Partly Protected.

Kind of Animal.	Close Season.
Deer (fallow *Cervus dama*)	From 1st July to 31st December
Kangaroos (*Macropus*) all species except white kangaroos	(*a*) From 1st March to 31st July within that portion of Eyre Peninsula south of 33° parallel of latitude:
	(*b*) From 1st October to 31st March within all the State not comprised within that portion of Eyre Peninsula south of the 33° parallel of latitude

Part I.—Animals Partly Protected—continued.

Kind of Animal.	Close Season.
Wallaby (*Macropus*) all species except rock and toolach	From 1st October to 31st March
Wombats (*Phascolomys*) all species	From 1st July to 31st December

Part II.—Birds Partly Protected.

Kind of Bird.	Close Season.
Bald coot (*Porphyrio spp.*) .	1st July to 13th February
Ducks (all species)	1st July to 13th February
Emu (*Dromaius novae-hollandiae*)	1st September to 30th April
Greenshank (*Tringa nebularia*)	1st March to 30th September
Maned goose (*Chenonetta jubata*)	1st July to 13th February
Mutton bird (*Puffinus spp.*)	1st September to 31st March
Pelican (*Pelecanus conspicillatus*)	1st September to 31st March
Quail (all species)	1st August to 13th February
Silver gull (*Larus novae-hollandiae*), except those found within the portion of the Hundred of Menzies bounded as follows:— Commencing at a point on low-water mark being the intersection of a line being the production northerly of the western boundary of section 6; thence easterly, southerly, and south-westerly along said low-water mark to a point being the intersection of a line being the production south-easterly of the south-western boundaries of sections 164 and D; thence north-westerly along said line and boundaries; thence northerly along the western boundary of said section 164; north-easterly along the north-western boundaries	1st September to 31st March

Part II.—Birds Partly Protected—continued.

Kind of Bird.	Close Season.
of stone reserve No. 2 and section 165 ; northerly across road and along the western boundary of section 5; across road and along the western boundary of section 6 and its production to the point of commencement	
Snipe (*Gallinago spp.*)	1st March to 30th September
Teal (*Querquedula spp.*)....	1st July to 13th February

19. The fourth schedule to the principal Act is amended so as to read as follows :— Amendment of principal Act—

FOURTH SCHEDULE. Fourth schedule.

Part I—Animals Unprotected.

Domestic cats run wild (*Felis cattus*).
Foxes (*Canis vulpes*).
Hares (*Lepus europaeus*).
Rabbits (*Oryctolagus cuniculus*).
Rats and mice (*Mus spp.*).
Seals, fur and hair (*Arctocephalus spp.*) except those found within St. Vincent's Gulf and Spencer's Gulf North of a line from Cape Catastrophe to Cape Borda, thence along the northern shore of Kangaroo Island to Cape Hart and from Cape Hart to the mouth of the River Murray.
Wild dogs (*Canis familiaris*).

Part II.—Birds Unprotected.

African love bird (*Agapornis spp.*).
Blackbird (*Turdus merula*).
Black tailed native hen (*Tribonyx ventralis*).
Blue mountain parrot (*Trichoglossus moluccanus*).
Canary (*Fringillidae spp.*).
Chestnut finch (Zebra).
Cockatoo, sulphur crested (*Kakatoe galerita*).
Corella (*Kakatoe tenuirostris K. Sanguinea*).
Cormorant (*Phalacrocorax spp.*).
Crow (*Corvus spp.*).
Eagle hawk (*Uroaetus audax*).
English chaffinch (*Fringillidae spp.*).
English house sparrow (*Passer domesticus*).

Part II.—Birds Unprotected—continued.

English starling (*Sturnus vulgaris*).
Galah (*Kakatoe roseicapilla*).
Goldfinch (*Carduelis carduelis*).
Goshawk (*Astur fasciatus*).
Greenfinch (*Chloris chloris*).
King parrot (*Glossopsitta concinna*).
Love bird (or Nyassa) (*Agapornis spp.*).
Mistletoe bird (*Dicaeum hirundinaceum*).
Musk lorikeet (king parrot).
Myna (*Acridotheres tristis*).
Native hen, black tailed (*Tribonyx ventralis*).
Nyassa parrot (love bird).
Red wattle bird (*Anthochoera carunculata*).
Rosella parrot (*Platycercus eximius and P. adelaidae*).
Shell parrot (*Melopsittacus undulatus*).
Silver eye (*Zosterops spp.*).
Silver gull (*Larus novae-hollandiae*) when found within the portion of the Hundred of Menzie bounded as follows:—Commencing at a point on low-water mark being the intersection of a line being the production northerly of the western boundary of section 6; thence easterly, southerly, and south-westerly along said low-water mark to a point being the intersection of a line being the production south-easterly of the south-western boundaries of sections 164 and D; thence north-westerly along said line and boundaries; thence northerly along the western boundary of said section 164; north-easterly along the north-western boundaries of stone reserve No. 2 and section 165; northerly across road and along the western boundary of section 5; across road and along the western boundary of section 6 and its production to the point of commencement.
Sulphur crested cockatoo (*Kakatoe galerita*).
Warbling grass parrot (Shell).
Zebra finch (*Taeniopygia castanotis*).

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2391.

An Act to Amend the Fisheries Act, 1917-1935.

[*Assented to 22nd September,* 1938.]

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 "Fisheries Act Amendment Act, 1938".

(2) The Fisheries Act, 1917-1935, as amended by this Act, may be cited as the "Fisheries Act, 1917-1938".

(3) The Fisheries Act, 1917-1935, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 4—

2. Section 4 of the principal Act is amended—

Interpretation.

(*a*) by striking out the definition of "fish" and by inserting in lieu thereof the following definition:—

"fish" means—

(*a*) every species of fish:

(*b*) shellfish (other than oysters) and other molluscs:

(*c*) crayfish, crabs, prawns, shrimps, and other crustaceans:

(*d*) mammals:

(*e*) the spat, spawn, fry and young of anything hereinbefore defined as fish:

(*b*) by inserting after the definition of "fish" the following definition:—

"hand crab-net" means a hoop or ring not exceeding three feet six inches in diameter to which netting is attached in the form of a cone and which is hauled by means of a line:

(*c*) by striking out the words "ware, half-ware," in the definition of "oysters."

Amendment of principal Act, s. 6—

3. Subsection (1) of section 6 of the principal Act is amended by inserting therein after paragraph VI. thereof the following paragraph:—

Powers of Governor.

VIA. prescribe species of fish which may not be taken pursuant to section 47 unless of or over the prescribed weight and prescribe areas in which such fish may during any one day be taken up to the number fixed in the proclamation.

Amendment of principal Act, s. 7—

4. (1) Section 7 of the principal Act is amended by inserting therein after paragraph (*f*) thereof the following paragraph:—

Powers of Minister.

(*f*1) upon the application of any person holding any licence or certificate under this Act revoke the licence or certificate and refund to that person such portion of the licence or certificate fee as the Minister thinks fit but not exceeding such proportion of the fee as the unexpired portion of the term of the licence or certificate bears to the full term of the licence or certificate:

(2) Section 7 of the principal Act is further 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 Minister may, upon the recommendation of the chief inspector, direct that a licence to take fish or oysters be issued without fee to any person who the Minister is satisfied is over the age of sixty years and is a fisherman of long standing. Any such licence may thereupon be issued without fee.

Amendment of principal Act, s. 10—

5. Section 10 of the principal Act is amended—

Inspection of premises.

(*a*) by inserting after the word "are" second occurring in the fourth line thereof the word "reasonably"; and

(*b*) by inserting after the word "found" in the eleventh line thereof the words "and may examine and make copies of any records, books, or documents relating to any fish or oysters".

6. The principal Act is amended by inserting therein after section 10 the following section :— Amendment of principal Act—

10a. (1) Any inspector may require any person in charge of any boat registered under section 16 to permit the inspector to use the boat for the purpose of enforcing the provisions of this Act. Power to requisition fishing boat.

(2) Any person who refuses to permit an inspector to use any such boat shall be guilty of an offence against this Act.

(3) The Minister shall pay such amount as is reasonable for the use of the boat by the inspector. The said amount shall not exceed five pounds per day during the time the boat is used plus an amount equal to any damage caused to the boat during the time it is used. The said amount shall be paid to the person who by reason of the use of the boat by the inspector is deprived of the use of the boat.

7. Section 13 of the principal Act is amended— Amendment of principal Act, s. 13—

(*a*) by striking out the words "and upon payment of the prescribed fee" in subsection (1) thereof and by inserting in lieu thereof the words "to applicants who make application therefor in the prescribed form and pay the prescribed fee"; and Fishermen's licences.

(*b*) by inserting after subsection (2) thereof the following subsection :—

(2a) If application is made by any person who is the holder of a current licence issued under this section, a licence under this section may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall, for the purpose of subsection (2), be deemed to be issued upon the date of the expiry of the current licence.

8. Section 14 of the principal Act is amended— Amendment of principal Act, s. 14—

(*a*) by inserting after the word "for" in the third line thereof the words "his wife or for"; and Licences.

(*b*) by inserting after the word "whilst" in the fourth line thereof the words "his wife or".

9. The principal Act is amended by inserting therein after section 14 thereof the following section :— Amendment of principal Act—

14a. (1) If the chief inspector is satisfied that any person who is licensed under section 14 employs another person to take fish or oysters he may, upon application in Employee's licences.

the prescribed form and upon payment of the prescribed fee, issue to the first mentioned person in the prescribed form an employee's licence to take fish and oysters.

(2) Every employee's licence shall be a yearly licence which shall, subject to subsection (3), expire on the last day of December next after the same is issued.

(3) If any person who is the holder of current licences under section 14 and this section makes application pursuant to subsection (2a) of section 13 for the issue of a licence under section 14 and also makes application for the issue of an employee's licence, an employee's licence may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall expire on the last day of December next after the expiry of the current licence.

(4) Subject as hereinafter provided, every employee's licence shall be deemed a sufficient licence to take fish and oysters for any one person employed as aforesaid by the person to whom the licence is issued. A licence issued under this section shall apply only to any person employed as aforesaid who is a natural born British subject or a naturalized British subject: Provided that, with the consent of the Minister, an employee's licence may apply to an unnaturalized person who has not qualified for naturalization by the length of his residence in Australia or to an unnaturalized person who has made application for a certificate of naturalization.

Amendment of principal Act, ss. 7 and 15—

10. (1) Section 15 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Issue of licences.

15. Every licence under section 13 or section 14a shall be issued by the chief inspector or by some person authorised by him in writing to issue such licences.

(2) Paragraph (*a*) of section 7 of the principal Act is repealed.

Amendment of principal Act, s. 15a—

Exclusive licences.

11. Section 15a of the principal Act is amended—

(*a*) by inserting after the word " licence " wherever it occurs in the said section in every case the words " or certificate " ;

(*b*) by inserting after the word " State " in the eighth line thereof the words " or within such area of any river in the State " ; and

(*c*) by striking out the word " licensee " wherever occurring in subsections (2) and (5) thereof and by inserting in lieu thereof in each case the words " holder thereof ".

12. Section 15b is amended by inserting after the word "licence" in the first and last lines thereof in each case the words "or certificate". Amendment of principal Act, s. 15b— Duties of licensee.

13. Section 16 of the principal Act is amended by adding at the end thereof the following subsection:— Amendment of principal Act, s. 16—

(4) If the ownership of any registered boat is transferred, the transferee shall within one month of the transfer, give notice in writing to the chief inspector of the transfer. Registration of boats.

14. Section 47 of the principal Act is amended— Amendment of principal Act, s. 47—

(*a*) by striking out the passage "section 39, or" in the first and second lines thereof; Exemptions.

(*b*) by striking out paragraph (*a*) of subsection (1) thereof and by inserting in lieu thereof the following paragraph:—

(*a*) except from stocked waters wherein fishing is prohibited by proclamation any person may, without any licence, take fish with a rod and line, or a hand line, or a hand crab net, or a fish spear, and—

(I.) any such person may, in manner aforesaid, when fishing from any wharf or jetty (other than a wharf or jetty constructed in or adjacent to the River Murray), take any fish whether under the prescribed weight or not:

(II.) any such person may, in manner aforesaid, when fishing from other than a jetty or wharf, or when fishing from a wharf or jetty constructed in or adjacent to the River Murray, take any fish, whether under the prescribed weight or not, except such fish as are prescribed, in which case the fish so taken shall be of or over the prescribed weight:

(III.) any such person may, in manner aforesaid, when fishing from other than a jetty or wharf and when fishing in a prescribed area, take during any one day, up to the prescribed number, any such prescribed fish, whether under the prescribed weight or not:

(*c*) by inserting after the word "sold" in the last line of subsection (1) thereof the words "or are not taken for the purpose of sale"; and

(*d*) by adding at the end thereof the following subsection:—

(3) In any proceedings where any person is charged with having in his possession any fish under the prescribed weight, the onus shall be upon the defendant to prove that the fish was taken whilst fishing from a wharf or jetty other than a wharf or jetty constructed in or adjacent to the River Murray.

Amendment of principal Act, s. 49—Taking fish for bait.

15. Section 49 of the principal Act is amended—

(*a*) by striking out the word "any" in the second line thereof; and

(*b*) by adding at the end of the proviso thereto the following passage:—

"and

III. such fish are not of the species known as whiting (*Sillaginodes punctatus*) or of any other prescribed species."

Amendment of principal Act, s. 53—Penalties.

16. Paragraph (*h*) of section 53 of the principal Act is repealed.

Amendment of principal Act—

17. The principal Act is amended by inserting therein after section 53 thereof the following section:—

Provision of fish screens.

53a. (1) There shall be provided to every pump pipe-line whereby water is drawn from the sea or any river a fish protection screen of a pattern approved by the chief inspector.

(2) If any water is drawn as aforesaid by means of any such pump pipe-line which is not provided with a screen as aforesaid, the owner of the pump pipe-line shall be guilty of an offence against this Act.

Amendment of principal Act—

18. The principal Act is amended by inserting therein after section 55 thereof the following section:—

Marking of packages.

55a. (1) There shall be legibly marked on the outside of or on a label attached to the outside of any box, basket, bag, or other receptacle containing fish or oysters consigned for sale by any person who follows the trade or calling of a fisherman or who deals in fish—

(*a*) the full name or the initials and surname of the person consigning the fish, and, in either case, his address; and

(*b*) if the person consigning the fish is the holder of a certificate of registration of a boat under section 16, the registered number of the boat.

If more than one person consigns fish as aforesaid, in the same box, basket, bag, or other receptacle, it shall be sufficient compliance with this subsection if the particulars required by this subsection and relating to one of such persons are given as aforesaid.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence against this Act.

(3) The provisions of subsection (1) shall not apply to any fish or oysters whilst in any boat registered under section 16.

(4) In any proceedings under this Act, evidence that any box, basket, bag or other receptacle containing fish or oysters in the course of consignment,bore the name of any person, shall, in the absence of evidence to the contrary, be sufficient proof that the fish or oysters were the property of the person so named on the box, basket, bag or receptacle, or on the label attached thereto, and that the fish or oysters were being consigned for or on sale.

19. Section 59 of the principal Act is amended by inserting therein after paragraph (*c*) thereof the following paragraphs :— Amendment of principal Act, s. 59—

(*c*1) for the issue and revocation of licences for amateur fishermen; prescribing fees therefor; and fixing periods during which only persons licensed as amateur fishermen may take fish from any stocked waters : Regulations.

(*c*2) prohibiting the sale of fish or oysters of any kind during a close season for fish or oysters of that kind :

(*c*3) requiring any persons licensed under this Act to supply for statistical purposes to the chief inspector returns of fish and oysters taken :

(*c*4) requiring persons who are engaged in—

(i.) the selling of fish or oysters at any market ; or

(ii.) the selling of fish or oysters which have not been sold at a market ; or

(iii.) the preserving, curing, smoking, drying, or salting of fish or oysters ; or

(iv.) the bottling or canning of fish or oysters or of any fish or oyster product intended for human consumption ; or

(v.) the preparation of fish by-products intended for human consumption; or

(vi.) the preparation of fertilisers from fish or any fish products or by-products not intended for human consumption; or

(vii.) the carriage of fish or oysters by sea or land,

to supply for statistical purposes to the chief inspector returns of the sales, output, or businesses of such persons:

(*c*5) prescribing the method whereby licences or certificates shall be granted under section 15a:

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2392.

An Act to amend the Wild Dogs Act, 1931.

[*Assented to 6th October,* 1938.]

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 " Wild Dogs Act Amendment Act, 1938 ".

(2) The Wild Dogs Act, 1931 (as amended by this Act) may be cited as the " Wild Dogs Act, 1931-1938 ".

(3) The Wild Dogs Act, 1931, is in this Act 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 definition of "wild dog".

3. The definition of " wild dog " contained in section 3 of the principal Act is amended—

(*a*) by striking out the words " native dog " therein and inserting in lieu thereof the word " dingo " ; and

(*b*) by striking out the words " and also a dog run wild ".

Amendment of s. 10 of the principal Act—Amount of payment.

4. Subsection (2) of section 10 of the principal Act is amended by inserting at the end thereof the following passage :—

and may also fix a special rate of payment for wild dogs which are not fully grown. The decision of the Minister or of any person authorised by him to give decisions under this provision, as to whether any dog is fully grown or not shall be final.

Amendment of s. 11 of the principal Act—

5. Section 11 of the principal Act is amended by adding at the end thereof the following passage :—

Authorised persons.

The Minister shall assign a district to every person authorised as mentioned in this section, and each authorised person shall have power to receive tails and scalps, of those wild dogs only, which, according to the declaration of destruction, were killed within the district of that authorised person.

Amendment of s. 12 of the principal Act—

Applications for payment.

6. Section 12 of the principal Act is amended by striking out the words " some authorised person " in the second and third lines thereof and inserting in lieu thereof the words " the authorised person for the district in which the wild dog from which the tail and scalp were taken is declared to have been killed ".

Amendment of s. 13 of the principal Act—

Duties of authorised person.

7. Section 13 of the principal Act is amended by inserting after paragraph (*a*) thereof the following paragraph :—

(*a*1) endorse on the declaration of the person applying for payment a statement setting out whether to the best of the knowledge, information and belief of the authorised person the statements in the declaration are or are not true, and any other matters which in his opinion affect the merits of the application for payment ; and

Amendment of s. 14 of the principal Act—

Payment.

8. Section 14 of the principal Act is amended by adding at the end of subsection (1) thereof the following proviso :—

Provided that the Minister shall not be obliged to request the Treasurer to make any payment if, in the Minister's opinion, any circumstances exist which justify him in refusing payment.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2393.

An Act to amend the Dairy Produce Act, 1934-1937.

[*Assented to 6th October,* 1938.]

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. (1) This Act may be cited as the " Dairy Produce Act Amendment Act, 1938 ".

(2) The Dairy Produce Act, 1934-1937, as amended by this Act, may be cited as the " Dairy Produce Act, 1934-1938 ".

Incorporation.

2. This Act is incorporated with the Dairy Produce Act, 1934-1937, and that Act and this Act shall be read as one Act.

Amendment of s. 26 of the Dairy Produce Act, 1934-1937—

Extension of duration of Act.

3. Section 26 of the Dairy Produce Act, 1934-1937, is amended by striking out the word " thirty-eight " therein and inserting in lieu thereof the word " forty ".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2394.

An Act to amend section 22 of the Lottery and Gaming Act, 1936.

[*Assented to 6th October,* 1938.]

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 "Lottery and Gaming Act Amendment Act, 1938".

(2) The Lottery and Gaming Act, 1936, as amended by this Act, may be cited as the "Lottery and Gaming Act Amendment Act, 1936-1938".

(3) The Lottery and Gaming Act, 1936, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 22—Permits to hold trotting races.

2. Subsection (5) of section 22 of the principal Act is amended by striking out the word "twenty-five" and by inserting in lieu thereof the word "twenty".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2395.

An Act to amend the Noxious Weeds Act, 1931-1935.

[*Assented to 6th October,* 1938.]

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 "Noxious Weeds Act Amendment Act, 1938".

(2) The Noxious Weeds Act, 1931-1935, as amended by this Act, may be cited as the "Noxious Weeds Act, 1931-1938".

(3) The Noxious Weeds Act, 1931-1935, is hereinafter in this Act referred to as "the principal Act".

Amendment of principal Act, s. 6—Authorised officers.

2. Subsection (1) of section 6 of the principal Act is amended by striking out all the words therein after the words "authorised officer for" and by inserting in lieu thereof the words "the purposes of this Act for the whole State".

Amendment of principal Act, s. 8—Duties of council.

3. Section 8 of the principal Act is amended by adding at the end of subsection (1) thereof the words "and every district council, shall at its own expense, destroy all noxious weeds upon that part of any public road in respect of which it is, under subsection (2) of section 24, not the duty of owners and occupiers of land to destroy noxious weeds".

Amendment of principal Act, s. 8a—Subsidies.

4. Section 8a of the principal Act is amended by adding at the end of subsection (1) thereof the words "and on unoccupied Crown lands within the district of the council".

Amendment of principal Act—

5. The principal Act is amended by inserting therein after section 15 the following section :—

Simultaneous destruction of noxious weeds.

15a. (1) A council may by notice published in the *Government Gazette* and in a newspaper circulating in the district of the council from time to time declare any period during which the destruction of any noxious weed specified in the notice shall be simultaneously proceeded with by all owners and occupiers of land within the district of the council.

(2) The owner or occupier of any land who does not within the period prescribed by the notice destroy all noxious weeds of the kind specified in the notice upon the said land and upon the half width of all public roads adjoining the same, shall be liable to a penalty for a first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds. If any owner or occupier is convicted by a court of any offence under this section, and the court is satisfied that such owner or occupier has at all material times used all reasonable exertions to destroy the said noxious weeds upon the said land or road, the court may enter a conviction without any penalty.

(3) The provisions of this section shall be in addition to and not in substitution for any other provisions of this Act.

(4) A complaint for any offence under this section—

(*a*) shall not be laid except by an authorised officer :

(*b*) shall be laid within six months from the expiration of the period fixed pursuant to subsection (1).

Amendment of principal Act, s. 24—Exemptions.

6. Section 24 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) Nothing in this Act contained shall be construed to render it the duty of an owner or occupier to destroy noxious weeds upon the half width of any public road adjoining the land of the owner or occupier to any greater extent than a duty to destroy noxious weeds upon the public road to a width of one chain from the boundary of the land of the owner or occupier.

Amendment of principal Act—

7. The principal Act is amended by inserting therein after section 29 the following section :—

Simultaneous destruction of noxious weeds.

29a. (1) A council may by notice published in the *Government Gazette* and in a newspaper circulating in the district of the council from time to time declare any

period during which the destruction of any noxious weed specified in the notice shall be simultaneously proceeded with by all owners and occupiers of land within the district of the council, who are bound by section 27 to destroy noxious weeds on any breakwind reserve or drainage lands.

(2) The owner or occupier of any land who, being bound by section 27 to destroy noxious weeds on any breakwind reserve or drainage lands, does not within the period prescribed by the notice destroy all noxious weeds of the kind specified in the notice upon the breakwind reserve or drainage lands and upon the half width of all public roads adjoining the same, or on the part or parts thereof in respect of which he is so bound (as the case may be), shall be liable to a penalty for a first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds. If any owner or occupier is convicted by a court of any offence under this section, and the court is satisfied that such owner or occupier has at all material times used all reasonable exertions to destroy the said noxious weeds upon the said breakwind reserve, drainage lands or road, the court may enter a conviction without any penalty.

(3) The provisions of this section shall be in addition to and not in substitution for any other provisions of this Act.

(4) A complaint for any offence under this section—

(*a*) shall not be laid except by an authorised officer :

(*b*) shall be laid within six months from the expiration of the period fixed pursuant to subsection (1).

8. Paragraph (*b*) of section 41 is amended so as to read as follows:— Amendment of principal Act s. 41—

(*b*) shall be laid within six months from the expiration of the time prescribed for compliance with the notice. Time for proceedings.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2396.

An Act to enable the land known as the Alberton Cemetery to be conveyed to the Corporation of The City of Port Adelaide, and for incidental purposes.

[*Assented to 6th October*, 1938.]

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 " Alberton Cemetery Act, 1938 ".

Power to convey cemetery land.

2. (1) Saint Paul's Church Port Adelaide Incorporated may, without any further authority than this Act, convey to the Corporation of the City of Port Adelaide an estate in fee simple in the land described in part I. of the schedule.

(2) The Right Reverend Arthur Nutter Thomas of Adelaide Doctor in Divinity Bishop of Adelaide, Whitmore Blake Carr of Adelaide sharebroker, and Percy Emerson Johnstone of Adelaide solicitor may, without any further authority than this Act, convey to the Corporation of the City of Port Adelaide an estate in fee simple in the land described in part II. of the schedule.

(3) The Corporation of the City of Port Adelaide may, without any further authority than this Act, accept any such conveyance.

Determination of trusts.

3. (1) Upon the conveyance authorised by subsection (1) of section 2 being made, Saint Paul's Church Port Adelaide Incorporated shall be freed from all trusts relating to the land conveyed and all trusts relating to the said land shall be determined.

(2) Upon the conveyance authorised by subsection (2) of section 2 being made, the said Right Reverend Arthur Nutter Thomas, Whitmore Blake Carr, and Percy Emerson Johnstone shall be freed from all trusts relating to the land conveyed and all trusts relating to the said land shall be determined.

Purposes for which land to be held.

4. (1) Upon any conveyance authorised by section 2 being made, the land conveyed shall be vested for an estate in fee simple in the Corporation of the City of Port Adelaide freed from all trusts but shall be held for the purposes of a public cemetery and subject to such leases for burial purposes as may have been granted of any part of the said land and which are subsisting at the time of the conveyance.

(2) Notwithstanding subsection (1), any land so conveyed may be dealt with in any manner provided by Part XXX. of the Local Government Act, 1934-1936.

Issue of Real Property Act title.

5. If, after any conveyance authorised by section 2 is made and is registered under the Registration of Deeds Act, 1935, application is made by the Corporation of the City of Port Adelaide to bring the land conveyed under the provisions of The Real Property Act, 1886-1936, the Registrar-General may issue a certificate of title for the land.

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

W. DUGAN, Governor.

THE SCHEDULE.

PART I.

Comprising that portion of part section 2300, Hundred of Yatala, bounded as follows :—Commencing at a point on the south-western boundary of part section 2300, as delineated in margin of Certificate of Title, Volume 1155, Folio 190, and distant 81ft. 2in. from the western corner thereof; thence north-easterly at a northern angle of 97° 30′ with said boundary for 124ft. 7in.; thence south-easterly at a southern angle of 101° 51′ for 281ft. 10in.; thence south-westerly at a western angle of 82° 10′ for 145ft. 2in.; thence north-westerly along the south-western boundary aforesaid to the point of commencement.

PART II.

Comprising that portion of part section 2300A, Hundred of Yatala, bounded as follows :—Commencing at a point on the south-western boundary of part section 2300, as delineated in margin of Certificate of Title, Volume 1155, Folio 190, and distant 38ft. 7in. from the southern corner thereof; thence south-westerly at a southern angle of 94° 08′ with said boundary for 308ft. 4in.; thence north-westerly at a northern angle of 72° 24′ for 382ft. 3in.; thence north-easterly at an eastern angle of 109° 07′ for 16ft. 8in.; thence south-easterly at a southern angle of 92° 35′ for 80ft. 4in.; thence north-easterly at a northern angle of 92° 54′ for 149ft. 7in.; thence south-easterly along the south-western boundary of part section 2300 aforesaid to the point of commencement.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2397.

An Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and thirty-nine, and for other purposes.

[*Assented to 22nd October*, 1938.]

Preamble.

WHEREAS, by certain Acts of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty, His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 & 64 Vict. ch. 12—

Be it therefore 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 "Appropriation Act, 1938".

Further issue.

2. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other General Public Revenues of the said State, not otherwise by law specially appropriated, there shall or may be further issued the sum of six million, two hundred and eighty-two thousand, eight hundred and seventy-nine pounds.

Appropriation of General Revenue.

3. Out of the sum of eight hundred thousand pounds issued under the authority of the Supply Act (No. 1), 1938, the sum of one million pounds issued under the authority of the Supply Act (No. 2), 1938, and the said sum of six million, two hundred and eighty-two thousand, eight hundred and seventy-nine pounds by this Act authorised to be issued, there shall or may be applied in the manner hereinafter mentioned, any sums of

money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say—

Estimates, 1938-39.

For defraying the charges of the State Government for the year ending the thirtieth day of June, nineteen hundred and thirty-nine, there shall be paid the sum of eight million and eighty-two thousand, eight hundred and seventy-nine pounds, the said amount being appropriated as follows, viz. :—

	£	s.	d.
Legislative Council	3,341	0	0
House of Assembly	4,940	0	0
Parliamentary Library	1,305	0	0
Parliament House	2,330	0	0
Electoral	6,287	0	0
Government Reporting	8,962	0	0
Parliamentary Standing Committee on Public Works	1,072	0	0
Miscellaneous	15,480	0	0
Private Secretary	400	0	0
Chief Secretary	3,942	0	0
Statistical (including Principal Registrar of Births, etc., and Public Actuary)	11,139	0	0
Audit	12,105	0	0
Printing and Stationery	56,720	0	0
Police	334,034	0	0
Sheriff and Gaols and Prisons	39,115	0	0
Inspector-General of Hospitals	392,929	0	0
Children's Welfare and Public Relief	252,500	0	0
Central Board of Health	23,750	0	0
Miscellaneous	106,737	0	0
Attorney-General (including Registrar of Companies' Office)	5,188	0	0
Crown Solicitor	8,130	0	0
Parliamentary Draftsman	2,070	0	0
Public Trustee	8,301	0	0
Supreme Court	15,645	0	0
Adelaide Local Court	10,994	0	0
Adelaide Police Court (including State Children's Court and Traffic Court)	8,598	0	0
Country Local Courts	11,256	0	0
Coroners	1,204	0	0
Registrar-General of Deeds	20,987	0	0
Miscellaneous	1,285	0	0
The Treasury and Superannuation Fund Branch	15,530	0	0
Motor Vehicles	24,669	0	0
Agent-General in England	3,973	0	0
Taxation	85,507	0	0
Stamp and Succession Duties	8,148	0	0
Immigration, Publicity and Tourist Bureau	22,267	0	0
Interest and Exchange	526,000	0	0
Unclaimed Moneys—Repayment of	1,000	0	0
Miscellaneous	193,388	0	0
Lands	79,458	0	0
Botanic Garden	12,273	0	0
Government Motor Garage	5,631	0	0
Soldier Settlement Administration, Lands and Irrigation Branches	56,745	0	0
Miscellaneous	15,190	0	0

	£	s.	d.
Public Works (Office of the Commissioner)	1,786	0	0
Labour Exchange	2,660	0	0
Engineering and Water Supply	378,816	0	0
Architect-in-Chief	24,780	0	0
Government Offices	15,981	0	0
Cemetery (West Terrace)	3,519	0	0
Supply and Tender Board and Public Stores	24,791	0	0
Aboriginals	34,371	0	0
Public Works	126,111	0	0
Miscellaneous	11,274	0	0
Education	937,648	0	0
Public Library, Museum, Art Gallery, and Societies	18,438	0	0
School of Mines and Industries	30,231	0	0
Observatory	2,791	0	0
Miscellaneous	43,330	0	0
Industry (including Public Service Commissioner's Office)	9,585	0	0
Factories and Steam Boilers	13,724	0	0
Unemployment Relief Council	307,773	0	0
Minister of Agriculture	3,482	0	0
Agriculture	70,100	0	0
Agricultural College	20,805	0	0
Stock and Brands	12,851	0	0
Produce	55,272	0	0
Fisheries and Game	7,168	0	0
Chemistry	9,954	0	0
Woods and Forests	5,708	0	0
Miscellaneous	5,461	0	0
Department of Lands (Irrigation and Drainage)	111,816	0	0
Miscellaneous	150	0	0
Mines	23,430	0	0
Harbors Board	263,249	0	0
Railways Department	2,994,482	0	0
Miscellaneous	34,745	0	0
Highways and Local Government	23,685	0	0
Miscellaneous	32,387	0	0
Total Estimates, 1938-39	£8,082,879	0	0

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor has heretofore directed by any order or orders in writing signed by him and countersigned by the Chief Secretary, or may hereafter direct by any order or orders so signed and countersigned, is hereby authorised; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums have been or are so paid shall be to him a full discharge for the sum or sums for which the same receipts shall be or are respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the produce of the General Public Revenues of the State are insufficient to make the payments authorised by section 2 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Recoup to Governor's Appropriation Fund.

6. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and thirty-eight, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1937, to the full extent and for the purposes permitted by that subsection.

(2) In this section "Governor's Appropriation Fund" means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1937.

Provision for certain annual payments.

7. (1) The following amounts, namely:—

(*a*) the amounts payable by the Treasurer to the Fire Brigades Board under the Fire Brigades Act, 1936-1938:

(*b*) the salaries and allowances payable to members of the Public Works Standing Committee under the Public Works Standing Committee Act, 1927-1935:

(*c*) the salaries payable to Ministers of the Crown under the Constitution Act, 1934-1937,

shall be paid from time to time in each financial year by the Treasurer out of general revenue of the State, and this section without any further appropriation or authority shall be a sufficient authority for making such payments.

(2) Any such amounts paid by the Treasurer before the passing of this Act at rates not exceeding those prescribed by law shall be deemed to have been lawfully paid.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2398.

An Act to regulate the sale of agricultural seeds, and for other purposes.

[*Assented to 27th October*, 1938.]

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 "Agricultural Seeds Act, 1938".

Commencement of Act.

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

Interpretation.

3. (1) In this Act, unless some other meaning is clearly intended—

"agricultural seeds" means any farm or garden or vegetable seeds, except flower seeds and seeds of plants used solely for ornamental purposes:

"analysis" includes the testing of seeds for germination or for any other purpose:

"analyst" means an analyst appointed under this Act:

"chief inspector" means chief inspector of seeds appointed under this Act:

"foreign seeds" as regards any particular kind or kinds of agricultural seeds, means all seeds of any other kind:

"impurities" includes ergot, smuts, dirt, stems, leaves, and portions of stalks, and diseased, broken, or insect injured seeds:

"inspector" means the chief inspector and any inspector of seeds appointed under this Act:

"Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:

"noxious seeds" means the seeds of any plant declared by regulation to be a noxious plant for the purposes of this Act:

"parcel" includes sack, bag, barrel, case, packet, package, or other container:

"seeds" includes agricultural seeds, noxious seeds, and foreign seeds.

(2) In the case of any seeds to which or to clusters of which, any fruit or part thereof normally adheres, any fruit or part thereof so adhering shall, for the purposes of this Act, be deemed to form part of the seeds.

Non-application of Act to certain seeds.
Cf. N.S.W. 15, 1921, s. 7.

4. (1) This Act shall not apply to—

(*a*) seeds (other than seeds capable of the germination of plants which are noxious weeds for the whole State under the Noxious Weeds Act, 1931-1938) sold solely for the purposes of food for man, bird, or beast; or

(*b*) wheat, barley, oats, field pea, maize, and rye corn seeds grown in this State.

(2) If—

(*a*) seeds are sold to be cleaned and tested before being again sold; or

(*b*) seeds grown in this State are sold by the grower to a seed merchant,

this Act shall not apply to that sale.

Sale of agricultural seeds.
Cf. N.S.W. 15, 1921, s. 4.

5. (1) Every person who sells any agricultural seeds shall, on any such sale, prior to delivery thereof, mark on every parcel containing any of the said seeds or on a label attached to the parcel or in an invoice given by the seller to the buyer, a statement specifying—

(*a*) the name and address of the seller: Provided that if the seller is a company registered under The Companies Act, 1934-1935, or a firm or person having its or his name registered under the Registration of Business Names Act, 1928-1932, the address of the company, firm, or person may be omitted;

(*b*) the name of the agricultural seeds contained in the parcel, describing the seeds by the prescribed common name (if any), and if the seeds are cereal, rape, or other prescribed agricultural seeds, what the seller believes to be the name of the variety of the seeds;

(*c*) in every case where the germinable proportion of the agricultural seeds is less than the proportion prescribed for seeds of that particular kind, the proportion of the agricultural seeds of the kind or kinds specified on the parcel which is germinable, and, if the seeds are clover or lucerne seeds, the proportion thereof of hard seeds (as defined as hard seeds by regulation); and

(*d*) if two or more kinds of agricultural seeds are contained in the parcel, the proportions in which they are mixed.

(2) If on any sale of agricultural seeds the name and address of the seller is not marked on the parcel containing the agricultural seeds but is marked on a label or invoice as provided by subsection (1), the person who sells the agricultural seeds shall, in addition, mark on every parcel containing any of the seeds the name and address of the seller: Provided that if the seller is a company registered under The Companies Act, 1934-1935, or a firm or person having its or his name registered under the Registration of Business Names Act, 1928-1932, the address of the company, firm, or person may be omitted.

(3) Any such statement shall, notwithstanding any agreement to the contrary, constitute a warranty that the contents of the parcel are in accordance with this Act and the statement.

(4) No person shall be bound to accept delivery on sale of any agricultural seeds unless the provisions of subsections (1) and (2) are complied with as to the seeds.

Sale of seeds in parcels not complying with Act.

6. If any person, whether knowingly or not, sells any agricultural seeds contained in any parcel in respect of which—

(*a*) the statement required by section 5 is not clearly and legibly marked on the parcel, label, or invoice, as the case may be, before the parcel is delivered to the buyer; or

(*b*) any statement required by section 5 is marked but is false in any particular as applied to the agricultural seeds contained in the parcel,

he shall be guilty of an offence and liable to a penalty not exceeding five pounds for a first offence and not exceeding ten pounds for any subsequent offence.

Sale of seeds which do not comply with regulations.
Cf. N.S W. 15, 1921, s. 5.

7. Any person who sells any agricultural seeds—

(*a*) with which are mixed seeds of plants which are noxious weeds for the whole of the State under the Noxious Weeds Act, 1931-1938 ; or

(*b*) with which are mixed noxious seeds, foreign seeds, or impurities in excess of the proportion permitted by regulation, unless the proportion of noxious seeds, foreign seeds, or impurities, as the case may be, is clearly and legibly marked on the outside of the parcel containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the vendor to the purchaser ; or

(*c*) with which are mixed noxious seeds, foreign seeds, or impurities which are of a kind not permitted by regulation to be mixed, unless the nature of the noxious weeds, foreign seeds, or impurities is clearly and legibly marked on the outside of the parcel containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the seller to the buyer; or

(*d*) of which the proportion of germinable seeds is lower than the proportion prescribed by regulation unless the proportion of germinable seeds is clearly and legibly marked on the outside of the packet containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the vendor to the purchaser ; or

(*e*) which, if the seeds are of different kinds, are not mixed in the proportions marked on the outside of the packet containing the seeds, or on a label attached to the parcel, or as stated in an invoice given by the vendor to the purchaser,

shall be guilty of an offence and liable to a penalty not exceeding five pounds for a first offence and not exceeding ten pounds for any subsequent offence.

Imported agricultural seeds.
Cf. N.S.W. 15, 1921, s. 6.

8. (1) Agricultural seeds imported into this State shall, before being sold, be treated in the prescribed manner.

(2) Any person who sells any agricultural seeds imported into this State which have not been treated in the prescribed manner shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) Agricultural seeds brought into this State from another State within the Commonwealth of Australia where similar legislation is in force shall be exempt from the provisions of this section providing a certificate signed by an officer of the Department of Agriculture of the State of origin certifying that the seeds are free from noxious seeds, foreign seeds, and impurities accompanies every consignment of such seeds.

Inspectors and analysts.

9. The Governor may, for the purposes of this Act, appoint—

(*a*) a chief inspector of seeds :

(*b*) such other inspectors of seeds and other officers as may be necessary :

(*c*) persons having competent botanical knowledge to be analysts under this Act.

Powers of inspectors.

10. Any inspector may—

(*a*) during the time any place is open for business enter and inspect any such place where any agricultural seeds are, or may reasonably be supposed to be, sold or kept for sale ;

(*b*) inspect any agricultural seeds which are being conveyed by railway or any other means of transit, apparently for the purpose of sale or delivery ;

(*c*) examine and open any parcel containing agricultural seeds in any such place, or conveyed as aforesaid ;

(*d*) examine, and on payment or tender of the ordinary market price therefor (if demanded), take a sample of any agricultural seeds for analysis ; and

(*e*) do any act or thing required or permitted by regulation to be done in connection with or for the purposes of anything authorised by this section or the analysis of samples taken under this section.

Procedure on taking sample.

11. (1) When an inspector takes a sample for analysis under section 10 he shall—

(*a*) thoroughly mix the sample and divide it into three approximately equal parts ;

(*b*) place each such part in a separate package and seal or fasten each such package ;

(*c*) place on each such packet a label stating the name, so far as known to him, of the occupier of the premises where, or of the person apparently having possession, custody, or control of the lot from which the sample was taken, and the time and place of taking ;

(*d*) deliver one of the parts to the person in charge, or apparently in charge, of the premises ; and

(*e*) retain one of the parts for future comparison.

The other of the parts may be utilised for analysis.

(2) When the seeds are sold in parcels containing in net weight four ounces avoirdupois or less the inspector shall take three or more unopened parcels of the seeds and mix the seeds contained therein and then deal with the seeds so mixed in manner provided by subsection (1).

Right of buyer to analysis.

12. (1) Any person who has bought any agricultural seeds shall, subject to this Act, be entitled to have a sample of the seeds analysed by an analyst, and to receive the analyst's certificate of the result of the analysis.

(2) If a buyer of any agricultural seeds intends to submit a sample for analysis the following provisions shall apply:—

I. If the seeds are received by the buyer or his agent at the premises of the seller, the buyer or his agent shall then and there notify the seller of his intention to submit a sample for analysis:

II. If the seeds are received by the buyer or his agent other than at the premises of the seller, the buyer or his agent shall within two days of the time of receipt of the seeds, give notice in writing by post to the seller or his agent of his intention to submit a sample for analysis:

III. In either case the buyer or his agent shall fix a day and time when the sample will be taken. The time so fixed shall be not less than fourteen nor more than twenty-one days from the giving of the notice unless the buyer and seller mutually agree upon an earlier day.

For the purposes of this subsection, seeds shall not be deemed to be received by an agent of the buyer, if the seeds are received by a carrier for delivery to the buyer.

(3) The buyer shall on the day and at the time mentioned in the notice or on the day mutually agreed upon as aforesaid—

(*a*) take a sample of the seeds in the presence of a justice or member of the police force, or of the seller or the agent or other representative of the seller; and

(*b*) thoroughly mix the sample and divide it into three approximately equal parts, as provided by section 11, to be then and there separated, and each part to be marked and sealed, or fastened up in sucha manner as its nature will permit; and

(*c*) if required to do so, deliver one of the parts to the seller or his agent or representative.

(4) The justice or member of the police force shall—

(*a*) make such inquiries as to him appears necessary to show that the seeds are the seeds bought from the seller; and

(*b*) mark each of the parts sealed as aforesaid with a certificate that he is satisfied that the seeds are a sample of the seeds bought by the buyer from the seller.

(5) The buyer shall send or deliver two of the said parts to the chief inspector.

(6) The chief inspector shall retain one of the said parts for future comparison, and shall send or deliver the other part to an analyst, who shall with all convenient speed analyse the same and give or send, by post or otherwise, a certificate in duplicate to the chief inspector wherein he shall specify the result of the anlaysis.

(7) The chief inspector shall forward the certificate to the buyer and shall file the duplicate in his office.

(8) This section shall, notwithstanding the provisions of section 4, apply to any agricultural seeds grown in this state and sold by a grower to a seed merchant.

(9) If, at the request of the buyer, two or more kinds of agricultural seeds are mixed by the seller to form one parcel of agricultural seeds, this section shall not apply to that parcel of seeds.

Costs of analysis.

13. The costs of obtaining any analysis shall be paid in the first instance by the person requesting the analysis, but shall subsequently be dependent upon the results of the analysis, and, if the contents of the parcel are not in accordance with this Act and the regulations, shall be recoverable from the seller of the seeds as a simple contract debt, or, in the case of a conviction for an offence, shall be added to the penalty, and be recoverable in the same manner.

Unit for sampling.

14. Any sample which is taken pursuant to any provision of this Act shall be drawn from at least ten per centum of the parcels containing the total quantity of the seeds from which it is drawn, and at once be thoroughly mixed and divided.

Offence as to sample.

15. When, in any proceeding in respect of an offence against this Act, a contravention of any of the provisions of this Act is proved in respect of any sample of agricultural seeds, the contravention shall be deemed to have been proved in respect of the whole lot from which the sample was taken, or all the seeds bought at the same time as the sample.

Right of dealer to analysis.

16. Any dealer in agricultural seeds may, on payment of the prescribed fee, have any agricultural seeds analysed by an analyst and shall be entitled to receive the analyst's certificate of the result of the analysis.

Obstructing or interfering with inspectors.

17. Any person who—

(*a*) in any way obstructs or interferes with any inspector or analyst in the discharge of any of his duties or the exercise of any of his powers under this Act; or

(*b*) assaults or intimidates, or gives, procures, offers, or promises any bribe, recompense, inducement, or reward to influence any officer in the discharge of any of his duties or the exercise of any of his powers under this Act; or

(*c*) refuses to allow to be taken any sample sought to be taken by an inspector in accordance with this Act; or

(*d*) retakes any seeds seized or taken under this Act, or resists or prevents such seizure or taking; or

(*e*) without authority (the proof of which authority shall be upon him) alters, erases, or removes any mark, or opens, breaks, or removes any fastening or seal, placed by any inspector in pursuance of this Act upon any seeds or parcel of seeds,

shall be guilty of an offence and liable for a first offence to a penalty not exceeding twenty pounds, and for every subsequent offence to a penalty not exceeding fifty pounds.

Tampering with samples.

18. Any person who knowingly and fraudulently—

(*a*) tampers with any parcel of agricultural seeds so as to procure that any sample of it taken under this Act does not correctly represent the contents of the parcel; or

(*b*) tampers with any sample taken under this Act,

shall be guilty of an offence and liable to a penalty not exceeding fifty pounds, or to imprisonment for any term not exceeding six months.

Treatment of certain agricultural seeds.
Cf. N.S.W 15 1921, s. 11.

19. (1) The Minister may order any agricultural seeds which are found to contain seeds of plants which are noxious weeds for the whole State under the Noxious Weeds Act, 1931-1938, or to contain noxious seeds, foreign seeds, or impurities to a greater extent than is permitted by the regulations or is marked on the parcel, to be treated or cleaned by the owner or his agent in manner directed by the Minister and within a specified time. If the order is not complied with within the specified time, the

person to whom the order was directed shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(2) If any such order is not complied with to the satisfaction of the Minister within the specified time, the Minister may, notwithstanding the imposition of any penalty under subsection (1) order the seeds to be treated, cleaned, or destroyed, and the seeds may be treated, cleaned, or destroyed accordingly, and the cost of so doing may be recovered by the Minister from the owner or his agent in any court of competent jurisdiction as a debt due to him by the owner or agent.

Proceedings for offences.

20. (1) A prosecution for an offence against this Act may be instituted either by the chief inspector, or by any person authorised in that behalf by the Minister.

(2) No prosecution for an offence against this Act shall be instituted without the approval in writing of the Minister.

(3) Unless proof to the contrary is given, any document purporting to be signed by the Minister and to be an authority by or approval of the Minister under subsection (1) or subsection (2), shall, without any further proof or proof of the signature of the Minister, be sufficient proof before any court of the giving of the authority or approval.

(4) All proceedings in respect of offences against this Act shall be disposed of summarily.

(5) There shall be served with the summons a copy of the analyst's certificate (if any) obtained on behalf of the prosecution.

(6) When any seeds have been taken or obtained for analysis, no prosecution under this Act for any offence in connection with the seeds or the lot from which they were taken or obtained shall be instituted after the expiration of two months from the time when they were so taken or obtained.

Certificate of analyst.

21. (1) At the hearing of any civil or criminal proceedings with regard to any sample or part thereof which has been analysed by an analyst, or the lot from which the sample was taken, or with regard to the contents of any parcel of seeds which have been so analysed, the production of a certificate purporting to be signed by an analyst shall, without proof of the signature of the person appearing to have signed the same or that he is an analyst, be sufficient evidence—

(*a*) of the identity of the thing analysed ;

(*b*) of the result of the analysis ;

(*c*) of the matters stated in the certificate ; and

(*d*) of the prescribed method of analysis (if any) having been followed by the analyst in making the analysis,

unless the defendant, by at least three clear days' (exclusive of Sundays and public holidays) notice in writing delivered to the plaintiff or complainant, and by a like three clear days' (exclusive as aforesaid) notice delivered, with a witness fee of one guinea, to the analyst, requires that the analyst shall attend as a witness.

(2) In any case where the attendance of an analyst is required as mentioned in this section, the court may, in addition to any other order which may be made as to costs, make such order as the court deems proper as to the witness fee paid to the analyst and as to the expenses of and remuneration to be paid for the analysis.

Admissibility of analysis.

22. At the hearing of any civil or criminal proceedings with regard to any sample, or part thereof, which has been analysed by an analyst, or the lot from which the sample was taken, or with regard to the contents of any parcel of agricultural seeds which have been so analysed, no evidence of the result of any analysis, whether made by an analyst or not, shall be admitted unless it is first proved that in making the analysis the analyst followed the method (if any) prescribed under this Act for the analysis of the said seeds.

Evidence.

23. In any proceedings, civil or criminal, with respect to any agricultural seeds analysed under this Act, parol evidence that any person is an analyst or an inspector or other officer under this Act shall be deemed sufficient, unless the defendant proves to the contrary.

Exemption of certain sellers from penalty.

24. (1) Where at the time of the discovery of an offence it is made to appear to the satisfaction of any person authorised by or pursuant to this Act to prosecute under this Act—

(*a*) that the seller used all due diligence to secure the observance of this Act; and

(*b*) by what person the offence was committed; and

(*c*) that the offence was committed without the knowledge, consent, or connivance of the seller, and in contravention of his orders,

the said authorised person shall proceed against the person whom he believes to be the actual offender without first proceeding against the said seller.

(2) When any seller is charged with an offence against any of the provisions of this Act, he shall be entitled upon complaint duly laid by him, to have any other person whom

he charges as the actual offender brought before the court at the hearing of the charge, and if after the commission of the offence has been proved the person in the first instance complained against proves to the satisfaction of the court—

(*a*) that he had used due diligence to secure the observance of this Act; and

(*b*) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

the said other person shall be summarily convicted of the offence, and the said seller shall be exempt from any penalty. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

Forfeiture of seeds.

25. (1) When any person is convicted of any offence against section 6, 7, or 8, the court may, in addition to making any other order in respect of the offence, adjudge that any seeds or parcels of seeds to which the conviction relates be confiscated to the Crown, whereupon the same shall be absolutely confiscated to and become the property of the Crown.

(2) All seeds and parcels of seeds confiscated under this Act shall be disposed of as the Minister directs.

Regulations. Cf. N.S.W. 15, 1921, s. 15.

26. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all things which by this Act are required, contemplated, or permitted to be prescribed, or which may be necessary to be prescribed for giving effect to the provisions and objects of this Act, and amongst others, the following things:—

(*a*) declaring plants to be noxious plants for the purposes of this Act:

(*b*) prescribing the common names to be used on parcels to describe the agricultural seeds contained therein:

(*c*) prescribing the maximum proportion of noxious seeds, or foreign seeds, or impurities that may be mixed with any agricultural seeds, unless the proportion of the noxious seeds, foreign seeds, or impurities contained in the seeds is clearly and legibly marked on the outside of the parcel containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the vendor to the purchaser:

(*d*) prescribing the kinds of noxious seeds, foreign seeds, or impurities that may or may not be mixed with any agricultural seeds, unless the nature of the noxious seeds, foreign seeds, or impurities contained

in the seeds is clearly and legibly marked on the outside of the parcel containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the vendor to the purchaser:

(*e*) prescribing the minimum proportion of any agricultural seeds which are sold that shall be germinable unless a lower proportion is clearly and legibly marked on the outside of the parcel containing the seeds, or on a label attached to the parcel, or is stated in an invoice given by the vendor to the purchaser:

(*f*) prescribing the method of testing agricultural seeds for germination or for any other thing:

(*g*) prohibiting, regulating, or controlling the importation into the State of any seeds or any other thing which may be likely to introduce into the State any diseased, insect-infested, or noxious seeds, or any noxious plant:

(*h*) prescribing a period of incubation in respect of agricultural seeds of any kind and declaring to be hard seeds agricultural seeds which are capable of germination only after the period of incubation prescribed for that kind of agricultural seeds:

(*i*) prescribing the treatment of imported agricultural seeds:

(*j*) prescribing the method to be adopted by the buyer of any parcel of agricultural seeds in taking a sample of the contents of the parcel in order that he may obtain an analyst's analysis thereof:

(*k*) prescribing the methods of analysis to be adopted by analysts in analysing samples of seeds submitted for analysis under this Act:

(*l*) prescribing the fees to be paid for obtaining an analyst's analysis:

(*m*) prescribing the forms to be used under this Act:

(*n*) prescribing the manner in which the powers and duties of analysts and inspectors under this Act are to be exercised and discharged, and generally such things as may be necessary or convenient for enabling analysts and inspectors to exercise and discharge any such powers and duties, and to carry out the provisions and objects of this Act:

(*o*) prescribing the method and manner of marking for the purposes of this Act of parcels of agricultural seeds, or labels attached thereto, and of invoices given on the delivery thereof:

(*p*) authorising the Minister to prepare schemes for the purpose of testing and certifying the strain of any kind of agricultural seeds and the disease-resistant properties of agricultural seeds; and for prohibiting the use of any of the words "certified", "certificated", "disease resistant", "disease immune", "wilt resistant", "wilt immune" or any word or words of the like import in any label, invoice, circular, or advertisement in relation to any agricultural seeds unless the agricultural seeds have been tested and certified pursuant to any such scheme or (subject to any conditions prescribed) by a Government department of any other part of His Majesty's Dominions under a seed certification scheme which is prescribed as satisfactory for the purposes of this Act:

(*q*) prescribing penalties for offences against any regulation, not exceeding in any case the sum of five pounds.

(2) Any regulation prescribing a proportion may prescribe the proportion by reference to weight, number, or volume, or by reference to any other matter, and any such proportion may be prescribed so as to vary according to the kind of seeds, the size of the parcel, the quantity or kind of impurities, or according to any other matter.

Protection to officers.

27. No analyst, inspector, or other officer shall be liable, except in respect of wilful misconduct or wilful neglect, to any legal proceedings for anything done or omitted in the exercise or execution of any of his powers or duties under this Act.

Saving of civil rights.

28. Nothing contained in this Act, and no proceedings in respect of any offence against this Act against any person, shall in any way affect any right or remedy by civil process which any person aggrieved might have had if this Act had not been passed.

Construction.

29. This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision hereof would but for this section be in excess of that power it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2399.

An Act to repeal the provisions of the Police Act, 1936, relating to the maintenance of foot police within police districts, to amend otherwise the provisions of the Police Act, 1936, and for other purposes.

[*Assented to 27th October*, 1938.]

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 "Police Act Amendment Act, 1938".

(2) The Police Act, 1936, as amended by this Act, may be cited as the "Police Act, 1936-1938".

(3) The Police Act, 1936 is hereinafter referred to as "the principal Act".

Provision as to payments for foot police during 1938.

2. (1) Notwithstanding the provisions of Part VI. of the principal Act, the amounts which otherwise would be payable in respect of the calendar year nineteen hundred and thirty-eight by police districts for the maintenance of foot police (which amounts are set forth in the table prepared pursuant to section 45 of the principal Act and published in the *Government Gazette* on the third day of March, nineteen hundred and thirty-eight), shall not be payable.

(2) If before the passing of this Act any such amount was paid by any municipal or district council, the Treasurer shall, without any further appropriation than this Act, refund from the general revenue any amount so paid.

Repeal of certain provisions of the principal Act.

3. Subsection (4) of section 43, sections 44 to 55 (both inclusive), and the first schedule of the principal Act are repealed.

4. The principal Act is amended by inserting therein after section 149 thereof the following sections :— Amendment of principal Act—

149a. (1) Regulations may from time to time be made by the Governor to declare the offences to which this section shall apply, being offences— Procedure on certain offences.

(*a*) against any Act which is administered by municipal councils or district councils :

(*b*) against any regulation made under any such Act :

(*c*) against any by-law made under any Act by any municipal council or district council.

Any such regulations may describe any such offence either by reference to the Act, regulation, or by-law creating the offence or in any other way sufficient to identify the offence or class of offence.

(2) In every such regulation there shall in relation to every such offence be stated an amount (not exceeding ten shillings) which shall be payable as provided by this section with respect to that offence.

(3) If any report is made by a member of the police force with respect to the commission of any offence to which this section applies, that report shall be referred to the municipal council or district council of the area in which the offence is alleged to have been committed.

(4) If it is reported to any municipal or district council (whether on the report of a member of the police force or otherwise) that any person is alleged to have committed any offence to which this section applies, the council may give notice to such person to the effect that he may expiate the offence by the payment to the council of the amount fixed by regulation with respect to the offence. Any such notice may be given by post addressed to the last or usual place of abode or business of such person. The notice may require the said amount to be paid before any day specified in the notice.

(5) If in respect of such offence such person pays the amount as aforesaid to the council giving the notice, he shall not be liable to any proceedings in any court of summary jurisdiction for the same cause.

(6) After the making of a regulation under this section, it shall not (except as provided by this section) be lawful for any municipal council or district council to require or invite any person alleged to have committed

any offence to pay any amount to the council with respect to the alleged offence.

(7) If, after any report is made by any member of the police force with regard to the commission of any offence to which this section applies, any payment is made to a municipal council or district council as provided by this section, the council shall pay to the Treasurer one-half of the amount so paid to the council and the amount paid to the Treasurer shall be by him paid into the general revenue. In every other case in which any payment is made to a municipal council or district council as provided by this section, the amount so paid shall be retained by the council as moneys of the council.

Payment of certain fines.

149b. If any report is made by any member of the police force to any municipal council or district council with respect to the commission of any offence (whether an offence to which section 149a applies or not) and arising out of such report any proceedings are taken in any court and any fine is imposed upon the offender, and if under any Act it is provided that such fine is to be paid to any municipal council or district council, then, notwithstanding that Act, one-half of the fine shall be paid to the Treasurer and shall be by him paid into the general revenue.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2400.

An Act to amend the South Australian Railways Commissioner's Act, 1936, so as to provide for the establishment of a Railway Officers Classification Board.

[*Assented to 27th October*, 1938.]

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. (1) This Act may be cited as the "South Australian Railways Commissioner's Act Amendment Act, 1938".

(2) The South Australian Railways Commissioner's Act, 1936, as amended by this Act may be cited as the "South Australian Railways Commissioner's Act, 1936-1938".

(3) The South Australian Railways Commissioner's Act, 1936, is in this Act called "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.

Enactment of Part IIIA. of principal Act—

3. The following headings and sections are enacted and inserted in the principal Act after section 53 thereof:—

PART IIIA.

THE RAILWAY OFFICERS CLASSIFICATION BOARD.

Constitution and General Powers of Board.

Interpretation.

53a. In this Part, unless the context otherwise requires or some other meaning is clearly intended—

"board" means the Railway Officers Classification Board constituted under this Part:

"office" means an office held by an officer :

"officer" means salaried officer in the Railway Service.

Constitution of board.
Cf. W.A. 38, 1920, s. 3.

53b. (1) For the purposes of this Part there shall be a board to be called the Railway Officers Classification Board.

(2) The board shall consist of a chairman and two representative members.

(3) The chairman of the board shall be the Public Service Commissioner for the time being in office under the Public Service Act, 1936-1937. If the Public Service Commissioner is at any time by reason of illness or absence from the State or any other cause unable to act as chairman, the person acting as the deputy of the Public Service Commissioner shall also be the deputy chairman of the board.

(4) One of the representative members shall be appointed by the Commissioner, and the other representative member shall be an officer elected (in manner prescribed by regulations to be made by the Governor) by the officers. At the election every officer (not being an officer whose salary at the time of the election exceeds five hundred pounds or the sum substituted therefor under section 53n), shall be entitled to vote.

(5) No person who has been dismissed from the Railway Service on the ground of misconduct shall be appointed to the board or capable of holding office on the board.

Remuneration of board.

53c. The chairman and members of the board shall be paid such remuneration (if any) as the Governor determines.

Tenure of office.
Cf. W.A. 38, 1920, s. 4.

53d. (1) Subject to this Part, each representative member of the board shall hold office for three years from the time when his appointment takes effect and thereafter until the appointment of his successor takes effect.

(2) Subject to this Part, a representative member of the board shall on the expiration of his term of office be eligible for re-appointment.

(3) A person appointed to a casual vacancy on the board shall, subject to this Part, hold office for the balance of the term of the person in whose place he was appointed, but shall be eligible for re-election.

Casual vacancies.

53e. (1) The seat of a representative member shall become vacant—

(*a*) if he resigns :

(*b*) if he dies :

(*c*) if he is dismissed from his seat on the board by the Governor :

(*d*) if he absents himself from more than five consecutive meetings of the board without leave in writing granted by the Minister :

(*e*) if he ceases to hold any qualification prescribed by this Part for membership of the board.

(2) When a casual vacancy occurs in the office of a representative member, that vacancy shall be filled by the deputy of that member; and when a casual vacancy occurs in the office of chairman it shall be filled temporarily by the deputy chairman until a permanent appointment is made.

Dismissal of member.

53f. The Governor may dismiss a representative member of the board from his office—

(*a*) if in the Governor's opinion he is owing to mental or physical infirmity incapable of discharging the duties of his office ; or

(*b*) if he has been guilty of any crime or other serious misconduct which in the Governor's opinion makes it undesirable that he should remain a member of the board.

Failure to elect.

53g. If an elective member of the board is not elected within the time prescribed in that behalf, the Governor may appoint an officer as a member of the board, instead of the member who should have been elected, and the officer so appointed shall be deemed to have been duly elected as a member of the board.

Deputy members.

53h. (1) The Commissioner shall at the time of appointing a member of the board appoint a person to be the deputy of that member.

(2) At the time of the election of the elective member of the board an election shall also be held in manner prescribed by regulations to elect an officer as the deputy of the elective member.

(3) If for any reason any member of the board is unable to act as such, the deputy of the member may act in his place and shall whilst so acting have all the authorities, powers, and duties of the member for whom he is acting.

(4) The provisions of this Part relating to tenure and vacation of office, retirement, and eligibility for re-appointment shall apply to the deputy members in the same way as they apply to the chairman and representative members respectively.

Elections.

53i. (1) Every election of a member or deputy member of the board—

(*a*) shall be conducted in accordance with regulations to be made by the Governor :

(*b*) shall be held at such times as are prescribed by the regulations, and under the direction of a returning officer to be appointed by the Governor.

(2) Every candidate shall be entitled to appoint a scrutineer who shall have the right to be present at and inspect the scrutiny and count of votes.

Notification of appointment.

53j. Every appointment and election of the chairman or a member or deputy member of the board shall be notified in the *Gazette* and shall take effect as from the date specified in such notification.

Majority decision.

53k. At any meeting of the Board the decision of two members or of the chairman and one member shall be the decision of the board.

Officers.

53l. The Governor shall appoint a secretary and such other officers as are necessary to assist the board and the persons so appointed shall be subject to the directions and control of the board and shall discharge such duties and functions as are imposed or conferred upon them by the board.

Expenditure of board.

53m. The expenditure of the board shall be defrayed out of moneys to be provided by Parliament for the purpose.

Classification of Officers.

Jurisdiction of board.

53n. (1) The board shall have jurisdiction from time to time to make awards—

(*a*) creating sections, subsections, classes and divisions for the purpose of classifying offices in the Railway Service :

(*b*) classifying each office in the Railway Service by reference to its appropriate section, class and divisions :

(*c*) fixing the minimum and maximum salary payable to the holder of each office and the annual or other periodical increments of each salary :

(*d*) fixing any special payment or allowance for any special circumstances connected with the work of any office :

(*e*) prescribing the conditions upon which officers shall be entitled to increments of salary :

(*f*) determining any other matter connected with the employment of officers, if such matter is referred to the board by the Commissioner and all the officers concerned:

(*g*) varying or adding to any award previously made by the board, or rescinding any such award and making a new award in lieu thereof.

(2) The board shall not have power to fix any salary exceeding five hundred pounds per annum or such other sum as the Governor may by proclamation made under subsection (3) of this section substitute for the said sum of five hundred pounds.

(3) The Governor may from time to time, having regard to any increase or decrease in the cost of living, by proclamation substitute any other sum for the sum of five hundred pounds mentioned in subsection (2) of this section.

(4) If the board is of opinion that any officer should be paid a salary in excess of the maximum amount which the board has power to fix, the board shall so advise the Commissioner and at the same time submit to him a recommendation as to the salary which in the board's opinion should be paid and the reasons for that recommendation. The Commissioner shall thereupon determine the salary to be paid to the officer.

(5) The board shall not have power to award—

(*a*) for any office filled by an adult male officer a salary less than three hundred and three times the daily living wage for adult male employees in the metropolitan area:

(*b*) for any office held by an adult female officer a salary less than three hundred and three times the daily living wage for adult female employees in the metropolitan area.

The expression "daily living wage" means the daily living wage as declared by the Board of Industry under the Industrial Code, 1920-1936, and in force at the time when the award comes into force.

Power of the board as to witnesses.

53o. (1) The board may by summons under the hand of the chairman or of the secretary require any person named in the summons to appear before the board and to produce any books, papers or documents mentioned in the summons.

(2) The board may require any person appearing before it to give evidence on oath or affirmation and the chairman or any member of the board may administer any such oath or affirmation.

(3) If any person who has been personally served with a summons to appear before the board—

(*a*) does not attend in obedience to such summons ; or

(*b*) refuses to be sworn or to affirm ; or

(*c*) without lawful excuse fails to produce any books, papers or documents mentioned in the summons ; or

(*d*) prevaricates in his evidence or refuses to answer any lawful question,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(4) If any person—

(*a*) wilfully insults the board or the chairman or any member thereof ; or

(*b*) misbehaves himself before the board or interrupts its proceedings,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(5) Every person (not being a person in the Railway Service) required by the board to attend before it shall be entitled to such fees and expenses as would be allowed to a witness in a civil action in the Supreme Court.

Commencement of proceedings.

53p. (1) The board may make any award of its own motion or on application made in accordance with the regulations, by the Commissioner, or an officer, or any association of officers.

(2) The board shall not make any award without first sitting to hear the Commissioner and the officers affected thereby, and giving reasonable notice of the time and place of such sitting to the parties interested : Provided that a notice in the *Gazette* published at least fourteen days before the board sits as aforesaid and giving notice of the time and place of an intended sitting shall be deemed to be reasonable notice to all parties.

Representatives before board.

53q. Any person entitled to be heard by the board may appear before the board either personally or by any other person, and may either personally or by such other person call, examine and cross-examine witnesses, and address the board.

53r. When any award is made by the board the chairman shall sign it and send a certified copy to the Minister and to the Commissioner and shall publish it in the *Gazette*. Authorisation and publication of award.

53s. Every award shall come into force upon the expiration of fourteen days after it has been published in the *Gazette*, and shall remain in force, subject to any variations thereof, until the date specified therein, or if no date is so specified, until rescinded by the board. Duration of award.

53t. An award duly made under this Part shall be binding on the Commissioner and all other persons to whom it applies: Provided that the Commissioner shall only be liable to pay any salaries or other sums fixed by an award to the extent to which money voted by Parliament is available for the purpose. Effect of award.

53u. If the board is of opinion that any application made to it is frivolous or unreasonable it may order the applicant to pay to the Treasurer in aid of the General Revenue of the State such sum as the board thinks proper, not exceeding five pounds. Frivolous applications.

53v. In the exercise of its jurisdiction under this Part the board shall not be bound by the rules of evidence. Evidence.

53w. Nothing in this Part shall prevent the Commissioner from appointing or transferring any person to any office at such salary, within the limits fixed by any award of the board, as the Commissioner thinks proper. Saving of certain powers.

53x. The Governor may make regulations prescribing all matters required or permitted to be prescribed by the other provisions of this Part and in particular regulations prescribing the practice and procedure in relation to the matters dealt with by the board and any other regulations necessary or convenient for carrying this Part into effect and may by any regulation impose penalties recoverable summarily and not exceeding ten pounds for breach of any regulation. Regulations.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2401.

An Act to prescribe the rates of tax payable upon income derived during the financial year ended on the thirtieth day of June, nineteen hundred and thirty-eight, and during certain other periods, and for purposes incidental thereto.

[*Assented to 27th October*, 1938.]

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 " Income Tax (Rates) Act, 1938 ".

Incorporation.

2. This Act is incorporated with the Income Tax Assessment Act, 1936, and that Act and this Act shall be read as one Act.

Application of rates prescribed by this Act.

3. The rates of income tax prescribed by this Act shall apply—

(*a*) to all assessments of income derived during the financial year ended on the thirtieth day of June, nineteen hundred and thirty-eight, or any accounting period lawfully adopted in lieu thereof ; and

(*b*) in respect of all assessments of income derived during any subsequent year of income or accounting period or any part of any subsequent year of income or accounting period, where those assessments are made before the passing of the Act fixing the rates of income tax for the financial year commencing on the first day of July, nineteen hundred and thirty-nine.

4. Where the whole taxable income of a taxpayer is income derived from personal exertion the rate of income tax payable on every pound of the taxable income shall be as follows :— Rates on income derived from personal exertion.

(*a*) If the taxable income does not exceed one thousand pounds, the rate shall be thirteen pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

(*b*) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be fifteen pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*c*) If the taxable income exceeds seven thousand pounds, the rate shall be fifty-one pence.

5. Where the whole taxable income of a taxpayer is income derived from property, the rate of income tax for every pound of the taxable income shall be as follows :— Rates on income derived from property.

(*a*) If the taxable income does not exceed one thousand pounds, the rate shall be twenty-two pence :

(*b*) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be twenty-two pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*c*) If the taxable income exceeds seven thousand pounds the rate shall be fifty-eight pence.

6. (1) Where the taxpayer is not a returned soldier or returned nurse, and is a resident of the State, and was on the last day of the year of income or of the period in which the income was derived an unmarried person of the age of twenty-one years or upwards, a male divorced person who had not remarried and had no children, or a widower without children, the rates of tax for every pound of the taxable income shall be as follows :— Rates payable by unmarried persons and others.

(*a*) Where the whole taxable income is income derived from personal exertion and does not exceed one thousand pounds, the rate shall be twenty-one pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

(*b*) Where the whole taxable income is income derived from personal exertion and exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be twenty-three pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*c*) Where the whole taxable income is income derived from personal exertion and exceeds seven thousand pounds, the rate shall be fifty-nine pence :

(*d*) Where the whole taxable income is income derived from property and does not exceed one thousand pounds, the rate shall be twenty-six pence :

(*e*) Where the whole taxable income is income derived from property and exceeds one thousand pounds but does not exceed seven thousand pounds, the rate shall be twenty-six pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*f*) Where the whole taxable income is income derived from property and exceeds seven thousand pounds, the rate shall be sixty-two pence.

(2) Where the taxpayer is a person who would otherwise be taxable at the rates mentioned in subsection (1) of this section, but had a parent, or a brother or sister under sixteen years of age at the commencement of the year of income resident in Australia and wholly or mainly dependent upon his earnings during the whole of that year of income, the rates of tax on income derived by him shall be those specified in sections 4, 5, and 7.

(3) In this section—

" returned soldier " means a male person who enlisted for service outside Australia in the war which commenced on the fourth day of August, nineteen hundred and fourteen, as a member of the Australian Imperial Forces, or the Royal Australian Navy, or His Majesty's Army or Navy, or any naval or military force raised in any country forming part of His Majesty's dominions, for service in the said war outside the country :

" returned nurse " means a nurse who served outside Australia during the said war in connection with any military or naval force of Great Britain or any of the dominions.

Rates on mixed incomes.

7. Where the taxable income of any taxpayer is derived partly from personal exertion and partly from property, the income tax shall be at the following rates :—

(*a*) On that part of the taxable income which is derived from personal exertion, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer, if the whole of that income had been derived from personal exertion :

(*b*) On that part of the taxable income which is derived from property, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer if the whole of that income had been derived from property.

Rates payable by trustee.

8. (1) Where the taxpayer is a trustee—

(*a*) if the beneficiary is presently entitled to the income, but is under a legal disability, the rate of tax shall be that which would be applicable if the income were directly received by the beneficiary ; and

(*b*) if there is no beneficiary presently entitled to the income, the rate shall be that which would be applicable if the income were that of an individual taxpayer taxable at the rates mentioned in sections 4, 5, and 7 in his sole individual right.

(2) Where the taxpayer is the executor or administrator of a deceased taxpayer, the rate on income derived by him as executor or administrator shall be that which would apply if the deceased taxpayer were living and had been assessed on that income.

Rates payable by companies.

9. (1) Subject to section 8 of this Act the rate of income tax on income derived by a company shall be twenty-four pence in the pound.

(2) Where interest is paid or credited by a company to any person who is a non-resident of Australia—

(*a*) on money secured by debentures of the company and used in the State, or used in acquiring assets for use or disposal in the State ; or

(*b*) on money lodged at interest in the State with the company,

the rate of tax for every pound of interest so paid or credited shall be twenty-four pence.

Exemption from tax of basic wage earner.

10. (1) Where the taxpayer has a spouse and at least one child under the age of sixteen years at the commencement of the year of income, wholly dependent on him or her throughout the whole of the year of income, and the net income of such taxpayer does not exceed one hundred and ninety-one pounds, the taxpayer shall be exempt from the tax imposed by this Act.

(2) In this section "net income" means the assessable income of the taxpayer less all allowable deductions other than the statutory exemption and the concessional deductions.

Minimum tax.

11. Where the income tax payable by a taxpayer would, if this section had not been enacted, be less than ten shillings, the sum of ten shillings shall nevertheless be payable.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2402.

An Act to provide for the disposal of the surplus disclosed in the revenue accounts of the Treasurer for the financial year ended on the thirtieth day of June, 1938.

[*Assented to 10th November,* 1938.]

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 " Surplus Revenue Act, 1938 ".

Interpretation.

2. In this Act " Treasurer " means the person for the time being holding the office of Treasurer of the State.

Application of certain moneys.

3. (1) Notwithstanding anything contained in the Public Finance Act, 1936, the Treasurer may apply not more than one hundred thousand pounds of the surplus disclosed in the revenue accounts of the Treasurer for the financial year ended on the thirtieth day of June, nineteen hundred and thirty-eight, in paying for shares taken up pursuant to this Act.

(2) Subject to the next following subsection, the Treasurer may—

(*a*) underwrite shares to the face value of not more than one hundred thousand pounds in the capital of the company which, at the time of the introduction of the Bill for this Act, is being promoted for the purpose (*inter alia*) of manufacturing cellulose paper and boards from straw and pine trees, and is intended to be registered under the Companies Act, 1934-1935, under the name of " Cellulose (Australia) Limited ";

(*b*) for the purpose of carrying out the terms of any underwriting agreement entered into pursuant to paragraph (*a*) of this subsection, apply for, take up, and pay for any such shares to the face value of not more than one hundred thousand pounds.

(3) The Treasurer shall not underwrite any shares under this Act except upon the conditions—

(*a*) that other persons shall have previously underwritten shares to the face value of twice the amount of the face value of the shares underwritten by the Treasurer ;

(*b*) that two of the first directors of the said company shall be appointed by the Treasurer ;

(*c*) that after the first retirement of directors the Treasurer shall have the right from time to time to make appointments to the board of directors of the said company so that there shall at all times be one director appointed by the Treasurer for each one hundred thousand pounds and one for any fractional part of one hundred thousand pounds of the aggregate amount of the face value of the shares for the time being held by the Treasurer and of any money lent to the company by the State Bank of South Australia, and not repaid by the company ; and

(*d*) that the said Company shall have previously agreed with the Treasurer that whenever supplies are available, the said Company shall at all times (other things being equal) purchase from manufacturers, merchants and producers resident in the State of South Australia its requirements of plant, machinery, manufactures and raw materials for the use of the said Company, and shall, unless the Treasurer otherwise permits, employ South Australian workmen in its undertaking.

(4) The Treasurer may be registered under the name of " The Treasurer of South Australia " in the books of the said Company as the owner of any shares taken up by him under this Act.

Restrictions on powers of company whilst Treasurer holds shares.

4. (1) While the Treasurer is the holder of any shares under this Act, the company shall not, except with the approval of the Governor, give to any person any mortgage or debenture or charge of any kind (excepting the debenture to be issued to the State Bank of South Australia) upon the undertaking or any of the property or assets of the company to secure any sum exceeding one hundred thousand pounds.

(2) Except with the approval of the Governor, the company shall not, while the Treasurer is the holder of any such shares in its capital, sell or dispose of the undertaking of the company, or any part thereof, or establish or carry on or join in establishing or carrying on (except as a subsidiary undertaking) any business outside the State.

(3) The memorandum and articles of association are to be approved by the Governor and no alteration is to be made in such memorandum or articles of association while the Treasurer holds the aforementioned shares, without the approval of the Governor.

Disposal of shares.

5. The Treasurer may, whenever he deems it proper, sell all or any of the shares taken up pursuant to this Act, and the net proceeds of any such sale shall be paid into the general revenue of the State.

Disposal of balance of surplus revenue.

6. The balance of the surplus revenue disclosed in the revenue accounts of the Treasurer for the financial year ended on the thirtieth day of June, nineteen hundred and thirty-eight, shall be disposed of under the Public Finance Act, 1936.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2403.

An Act to amend the Agricultural Graduates Land Settlement Act, 1922-1935.

[*Assented to 17th November*, 1938.]

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 "Agricultural Graduates Land Settlement Act Amendment Act, 1938".

(2) The Agricultural Graduates Land Settlement Act, 1922-1935, as amended by this Act, may be cited as the "Agricultural Graduates Land Settlement Act, 1922-1938".

(3) The Agricultural Graduates Land Settlement Act, 1922-1935, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 9—Advances.

2. Section 9 of the principal Act is amended by striking out the word "mallee" in the third and thirteenth lines thereof.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2404.

An Act to amend the Legal Practitioners Act, 1936.

[*Assented to 24th November,* 1938.]

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 "Legal Practitioners Act Amendment Act, 1938".

(2) The Legal Practitioners Act, 1936, as amended by this Act, may be cited as the "Legal Practitioners Act, 1936-1938".

2304, 1936.

(3) The Legal Practitioners Act, 1936, is in this Act called "the principal Act".

Incorporation.

2. This Act is incorporated with the Legal Practitioners Act, 1936, and this Act and that Act shall be read as one Act.

Enactment of s. 60a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 60 thereof:—

Payments to Society to maintain a law library.

60a. (1) The Treasurer shall pay to the Society such part of all the money paid before the thirty-first day of January, nineteen hundred and forty-four, to the Master by legal practitioners pursuant to section 13 of this Act as is in excess of a sum calculated at the rate of five pounds for each legal practitioner paying any money under that section, and this section shall be a sufficient authority for every such payment without any further appropriation.

(2) The Society shall expend all money so paid to it on the establishment and maintenance of a library for the use of legal practitioners and any other persons permitted by the Society to use the library.

(3) The secretary of the Society shall upon the request of the Auditor-General produce to him any books and accounts, and furnish him with any information which he requires for the purpose of satisfying himself that any money paid to the Society under this section has been expended by the Society as required by this section.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2405.

An Act to amend the Nurses Registration Act, 1920-1934.

[*Assented to 24th November,* 1938.]

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 "Nurses Registration Act Amendment Act, 1938". Short titles.

(2) The Nurses Registration Act, 1920-1934, as amended by this Act, may be cited as the "Nurses Registration Act, 1920-1938".

(3) The Nurses Registration Act, 1920-1934, is hereinafter referred to as "the principal Act".

2. The principal Act is amended by inserting therein after section 21 thereof the following section:— Amendment of principal Act—

21a. (1) The board may approve of any institution or organization as a school for a course of training in any special branch of nursing. Certificate of special nursing. Cf. Vic. 3744, 1928, s. 17.

(2) If any person registered as a nurse, mental nurse, or midwife completes at any such institution or organization the prescribed course of training in any special branch of nursing, the board shall issue to that person a certificate to that effect.

(3) The board shall cause to be kept a register to be called "The Register of Special Nursing Certificates" which shall be in the prescribed form and contain the prescribed particulars. An entry relating to any certificate issued as aforesaid shall be made in the said register.

Amendment of principal Act—

3. The principal Act is amended by inserting therein after section 39 the following section :—

Wearing of nurse's cap. Cf. W.A. 14, 1937, s. 7.

39a. (1) Any person other than a person registered under this Act who wears a nurse's cap shall be liable to a penalty not exceeding two pounds : Provided that it shall not be an offence if—

(*a*) a member of a religious order wears a habit to conform to the requirements or custom of that order, or if any person taking part in a religious rite wears any raiment customary or necessary therefor :

(*b*) any person taking part in any theatrical performance wears a nurse's cap.

(2) For the purpose of this section " nurse's cap " means the cap commonly worn by trained nurses consisting of a piece of white material so folded that when worn portion thereof hangs to or below the shoulder.

Amendment of principal Act, s. 44— Regulations.

4. Subsection (1) of section 44 of the principal Act is amended by inserting therein after paragraph vi. thereof the following paragraph :—

via. Prescribing courses of training in special branches of nursing ; regulating the issue of certificates under section 21a ; and prescribing the form of and the particulars to be entered in The Register of Special Nursing Certificates :

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

(*b*) by the sifting or screening of, or any mechanical operation applied to, substances so produced; or

(*c*) by the combination of any of the operations specified in the last two preceding paragraphs,

and includes—

(*d*) any mixture of any such substances; and

(*e*) self-raising flour;

but does *not* include any substance for use—

(i.) as or in the manufacture of breakfast foods or foods for birds or livestock; or

(ii.) in the manufacture of cornflour or meat products, or of any other goods not being foodstuffs:

"the committee" means the Wheat Products Prices Committee constituted pursuant to this Act:

"the Minister" means the Minister of Agriculture:

"ton" means a ton of two thousand pounds gross weight, including the weight of any bags or packages in which the particular substance is contained.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act would but for this subsection be in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Alteration of definition of flour.

4. (1) The Governor may by proclamation—

(*a*) alter the definition of flour as set out in this Act so as to make it coincide with the definition of flour set out in any Commonwealth Act imposing a tax on flour:

(*b*) declare that any substance which by or pursuant to any Commonwealth Act imposing a tax on flour is exempted from that tax, shall not be subject to this Act.

(2) This Act shall be read and construed as if the terms of any such proclamation were included in this Act.

The Wheat Products Prices Committee.

The committee.

5. (1) For the purposes of this Act there shall be a committee to be known as "The Wheat Products Prices Committee".

(2) The committee shall consist of a chairman and two other members appointed by the Governor.

Term of office of committee.

6. The chairman and members of the committee shall hold office for such terms as are determined by the Governor at the time of their appointment.

Dismissal of members.

7. The Governor may dismiss the chairman or any member of the committee from his office—

(*a*) if in the Governor's opinion he is owing to mental or physical infirmity incapable of discharging the duties of his office ; or

(*b*) if he has been guilty of any crime or other conduct which in the Governor's opinion makes it undesirable that he should remain a member of the committee.

Notification of appointment of committee.

8. Every appointment of the chairman or a member of the committee shall be notified in the *Gazette* and shall take effect as from the date specified in the notification.

Chairman.

9. At any meeting of the committee the chairman, if present, and, in his absence, the member who is senior in appointment, shall preside.

Quorum and voting.

10. (1) The chairman and any member, or the two members of the committee, shall form a quorum thereof.

(2) The chairman and every member of the committee shall have a deliberative vote on every question before the committee and in the event of the votes for and against any proposal being equal, the chairman of the meeting shall have a casting vote.

Duty of the committee to co-operate with bodies.

11. The committee shall exercise the functions conferred upon it by this Act in co-operation with, and after consultation with, such authorities of the Commonwealth and the other States as are prescribed.

Registration of Flour Millers.

Registration of millers.

12. (1) After the expiration of one month from the commencement of this Act no person shall carry on business as a flour miller unless he is registered with the Minister as a flour miller.

If any person contravenes this section he shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(2) Applications for registration as a flour miller shall be made to the Minister in the prescribed form.

(3) Any flour miller who duly applies for registration and who is not disqualified under this Act shall be entitled to registration from time to time as of right.

(4) Subject to any order of disqualification made under section 15 of this Act the registration of a flour miller shall expire on the thirty-first day of December next after it takes effect.

(5) No fee shall be charged for registration as a flour miller.

Returns.

Returns as to wheat products.

13. (1) The Minister may by notice in writing require any person to furnish him in writing with any particulars as to the amount price or value of any wheat, flour, bran, or pollard bought, sold, manufactured or held in stock by that person whether before or after the commencement of this Act.

(2) Every such notice shall specify the time within which the particulars are to be furnished to the Minister, and may require the particulars to be verified by a statutory declaration.

(3) Any person who in any particular fails to comply with a notice under this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(4) This section shall not restrict the power of the Governor to make regulations for securing information as to wheat, flour, bran, or pollard.

Fixing of Price of Flour.

The fixed price of flour.

14. (1) The Governor may from time to time on the recommendation of the committee fix the minimum price only or both the maximum price and the minimum price at which any substance included in the definition of flour in this Act may be sold by the manufacturer thereof:

Provided that—

(*a*) in no case shall the minimum price so fixed for ordinary wheaten flour delivered on buyer's premises at Adelaide be less than eleven pounds per ton:

(*b*) in no case shall the maximum price so fixed for ordinary wheaten flour delivered on buyer's premises at Adelaide in sacks of one hundred and fifty pounds capacity exceed thirteen pounds ten shillings per ton:

(*c*) no price fixed under this subsection shall apply to any substance sold for export from Australia.

The same amount may, if the committee so recommends, be fixed both as the maximum price and the minimum price for any substance.

(2) Any price fixed for any substance may vary—

(*a*) according to the place of delivery to the buyer:

(*b*) according to the locality of the State in which the substance is sold or delivered:

(*c*) according to the quantities in which the substance is sold:

(*d*) according to the nature of the bags, packages or other containers in which the substance is sold:

(*e*) according to the quality, grade, or variety of the substance:

(*f*) according to any other matters or circumstances.

(3) Every such proclamation shall—

(*a*) come into force on a day to be specified therein:

(*b*) subject to any variation thereof remain in force until the day specified therein, or if no day is specified, until revoked by another proclamation under this Act.

(4) The Governor may from time to time by proclamation—

(*a*) on the recommendation of the committee or with the consent of the Prime Minister of the Commonwealth of Australia, revoke any proclamation made under this section:

(*b*) on the recommendation of the committee, vary any such proclamation.

Duty to observe fixed price.

15. (1) If any person sells, or agrees to sell, or offers to sell, any substance manufactured by him at any price above the maximum or below the minimum price proclaimed under this Act for that substance he shall be guilty of an offence and liable to a fine not exceeding five hundred pounds.

(2) Where the defendant is a flour miller, the court, in addition to imposing a fine under this section—

(*a*) may for a first offence disqualify the defendant from holding and obtaining registration as a flour miller for any period not exceeding twelve months; and

(*b*) for a second offence shall disqualify the defendant from holding and obtaining registration as a flour miller for a period of not less than three months and not more than two years.

During any such period of disqualification—

(*a*) any existing registration of the miller shall be suspended:

(*b*) the Minister shall not register the miller under this Act.

(3) This section shall not apply to the sale of—

(*a*) any substance if the manufacturer selling that substance has purchased all flour used in the manufacture thereof at the price fixed under this Act:

(*b*) any substance sold for export from Australia.

(4) The onus of proving any facts necessary to show that any substance is substance to which this section does not apply shall lie upon the defendant.

Price to include tax.

16. Any sum demanded by the seller of any flour from the purchaser thereof as or in respect of any tax payable on such flour, shall for the purposes of this Act be regarded as part of the price of that flour.

Regulations.

17. (1) The Governor may make regulations for or with respect to—

(*a*) the registration of flour millers and flour mills:

(*b*) the forms which may be used under this Act:

(*c*) securing particulars from any persons as to any wheat, flour, bran, or pollard or transactions therein:

(*d*) requiring the information in any application return or other document under this Act to be verified by statutory declaration:

(*e*) any matters and things necessary or convenient to carry this Act into effect.

(2) Any such regulations may prescribe penalties not exceeding one hundred pounds for any contravention thereof or failure to comply therewith.

Summary proceedings for offences.

18. (1) All proceedings for offences against this Act shall be disposed of summarily.

(2) Notwithstanding any Act to the contrary such proceedings may be commenced at any time within two years from the time of the commission of the offence.

Exemption from stamp duties.

19. No stamp duty shall be payable on any declaration made for the purposes of this Act.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2407.

An Act to validate the incorporation of certain associations under the provisions of the Associations Incorporation Act, 1929-1935, and for other purposes.

[*Assented to 1st December,* 1938.]

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 " Community Hotels (Incorporation) Act, 1938 ".

Validation of incorporation.

2. Notwithstanding the provisions of section 3 of the Associations Incorporation Act, 1929-1935, the Renmark Hotel Incorporated, the Barmera Hotel Incorporated, and the Berri Hotel Incorporated shall be deemed to be and always to have been duly and lawfully incorporated under the provisions of the Associations Incorporation Act, 1929-1935.

Incorporation of certain associations.

3. Any association incorporated after the passing of this Act for the purpose of holding a licence pursuant to section 118 of the Licensing Act, 1932-1936, shall not, by reason of that purpose, be deemed to be an association for the purpose of trading within the meaning of section 3 of the Associations Incorporation Act, 1929-1935, and may be incorporated pursuant to the provisions of that Act.

Borrowing power of certain associations and powers of committees thereof.

4. (1) The Renmark Hotel Incorporated, the Barmera Hotel Incorporated, and the Berri Hotel Incorporated and any association incorporated after the passing of this Act pursuant to the provisions of section 3 of this Act shall, subject to the rules of any such association, have power and shall be deemed

always to have had power to borrow money upon the security of any of the real or personal property of the association upon such terms and conditions as may be thought expedient.

(2) The business carried on by any such association shall be deemed to be and always to have been vested in the Committee thereof for the purposes of section 118 of the Licensing Act, 1932-1936, notwithstanding that by virtue of section 9 of the Associations Incorporation Act, 1929-1935, the property of such association is vested in the corporation.

Application of s. 118 of the Licensing Act, 1932-1936, to Berri Irrigation area.

5. Section 118 of the Licensing Act, 1932-1936, shall apply to licences in respect of premises situated within the Berri Irrigation Area as delineated by the proclamation made on the third day of November, nineteen hundred and sixteen, under the Irrigation and Reclaimed Lands Acts, 1914 and 1915, or by any other proclamation substituted for or amending that proclamation, in the same way and to the same extent as it applies to licences in respect of premises situated within the portion of the State mentioned in the said section 118.

Application of s. 85 of the Licensing Act 1932-1936, to Berri Hotel Incorporated.

6. Berri Hotel Incorporated shall be entitled to hold and be deemed always to have been entitled to hold a publican's licence under section 85 of the Licensing Act, 1932-1936, in the same manner as a company incorporated under the laws of the State and having as its sole object the carrying on of the business of a licensed victualler and the provisions of that section shall apply and be deemed always to have applied *mutatis mutandis* to Berri Hotel Incorporated.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2408.

An Act to amend the Crown Lands Act, 1929-1937.

[*Assented to 1st December*, 1938.]

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 "Crown Lands Act Amendment Act, 1938".

(2) The Crown Lands Act, 1929-1937, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1938".

(3) The Crown Lands Act, 1929-1937, is hereinafter called "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.

Enactment of ss. 23a-23c of the principal Act—

3. The following sections are enacted and inserted in the principal Act after section 23 thereof:—

Arrangements for clearing and preparing land.

23a. (1) Where the Director of Agriculture has certified that any Crown land could by clearing and cultivation be made suitable for pasture, and the board has recommended that that land should be allotted on the terms prescribed by this section, the Commissioner, by the notice declaring that the land is open for application, may also declare that the lease or agreement on which the land is allotted will contain, in addition to any other terms and covenants prescribed by or under this Act, terms, covenants, and conditions to the following effect:—

(*a*) That the Commissioner will prepare the said land or any part or area thereof specified in the notice for pasture:

(*b*) That such preparation shall include such of the following operations namely, clearing, cultivating, sowing, applying fertilisers, and doing any other work, as are specified in the notice, but the total cost of all such preparation shall not exceed one thousand pounds:

(*c*) That the lessee or purchaser shall, before the commencement of the work, pay to the Commissioner one quarter of the cost (as estimated by the Commissioner) of the said preparation of the land:

(*d*) That the balance of the cost of the said preparation will be deemed to be a loan made by the Commissioner to the lessee or purchaser and that the lessee or purchaser will repay that balance to the Commissioner with interest at the fixed rate in equal instalments payable at the times and during the period specified in the notice:

(*e*) That the Commissioner may, if he believes that the land comprised in the lease or agreement is being neglected and is thereby deteriorating in value, assume the general control and management of the land, and do anything necessary to prevent such deterioration: and that the expense incurred by the Commissioner in so doing shall be a charge on the land and shall be payable by the lessee or purchaser or the occupier for the time being, and recoverable by the Commissioner by action in any court of competent jurisdiction:

(*f*) Such other terms, covenants, and conditions as are specified in the notice, for the purpose of ensuring the proper working of the land, and for preventing any cleared parts thereof from reverting to scrub.

(2) Any lease or agreement granted pursuant to any such notice may contain any such terms and covenants as aforesaid.

(3) No land shall be allotted under a lease or agreement containing the terms and covenants prescribed by this section, unless the Land Board is satisfied that the proposed allottee has sufficient capital, over and above the amounts to be expended under this section on preparing the land, to enable him to work the land successfully.

Power of Commissioner to prepare land.

23b. (1) Subject to subsection (2) of this section the Commissioner may do all things necessary to carry out the obligations imposed on him by the terms, covenants, and conditions of any lease or agreement entered into pursuant to section 23a.

(2) All work required to be done by the Commissioner in connection with the clearing and cultivation of land comprised in any such lease or agreement shall be done under contracts made between the Commissioner and independent contractors, and before entering into any such contract the Commissioner shall by advertisement in a daily newspaper call for tenders for the work to be done.

(3) The cost of any such work shall be defrayed out of moneys to be provided by Parliament for the purpose.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2409.

An Act to empower the State Bank of South Australia to make loans for fencing and water piping, to repeal the Loans for Fencing and Water Piping Act, 1930, to amend the Vermin Act, 1931-1936, and for other purposes.

[*Assented to 1st December,* 1938.]

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 "Loans for Fencing and Water Piping Act, 1938".

Commencement of Act.

2. This Act shall come into force upon a day to be fixed by proclamation.

Repealing provision.

3. (1) The Loans for Fencing and Water Piping Act, 1930, is repealed.

(2) The Vermin Act, 1931-1936, is amended in the manner shown in the schedule.

Interpretation.

4. In this Act—

"bank" means the State Bank of South Australia:

"fencing material" includes wire netting:

"fixed rate" means the annual rate of interest fixed under section 18 which is in force when the loan in question is made:

"mortgage" includes any mortgage, lien, charge or encumbrance of any land or interest in land for securing money or money's worth whether subsisting at law or equity and also includes a lien over the document of title to any land:

"mortgagee" means any person from time to time deriving title under a mortgage:

"owner" means—

(*a*) the registered proprietor under The Real Property Act, 1886-1936, of any estate of freehold in possession:

(*b*) as regards land not under The Real Property Act, 1886-1936, any person who is seised of any estate of freehold in possession, or if the said estate is subject to redemption under any mortgage, the person who upon payment of all moneys secured by such mortgages would be entitled to a conveyance of such an estate:

(*c*) as regards land belonging to the Crown, any person who has agreed to purchase the land from the Crown or is the lessee of the land under any lease granted by the Crown,

but does not include a mortgagee in possession:

"repealed Act" means—

(*a*) the Loans for Fencing and Water Piping Act, 1930-1936:

(*b*) the Loans for Fencing Acts, 1919 to 1930:

(*c*) Divisions II., III., and IV. of Part V. of the Vermin Act, 1931-1936:

(*d*) Divisions II., III., and IV., of Part VI. of the Vermin Act, 1914:

(*e*) Divisions I. and II. of Part VI. of the Vermin Act, 1905.

Power to make loans.

5. (1) The bank may make loans to owners for fencing material and water piping as provided by this Act.

(2) All such loans shall be made out of moneys provided by Parliament for the purpose.

Application for loan. Cf. 1988, 1930, s. 6.

6. (1) Any owner may make application to the bank for a loan for the supply of any fencing material or water piping.

(2) Every application shall—

(*a*) be signed by the applicant:

(*b*) describe shortly the land owned by the applicant, and state the acreage thereof:

(*c*) state whether the land of the applicant is charged with any mortgage and state the amount of any such mortgage and the name and address of the mortgagee:

(*d*) give an estimate of the fencing material or water piping required by the applicant:

(*e*) state that the applicant undertakes to pay to the bank in each year one-twentieth part of the value of all fencing material or water piping supplied to him by the bank, together with interest at the fixed rate on the balance for the time being unpaid:

(*f*) contain an undertaking by the applicant to erect upon his land all fencing material supplied to him to the satisfaction of and within the time required by the bank or, as the case may be, to lay down in or upon his land or in or upon any road all water piping supplied to him to the satisfaction and within the time required by the bank:

(*g*) contain such other matters as are prescribed.

(3) Any application in respect of any land of which there is more than one owner shall be made by all the owners.

Verification of signature on application. Cf. 1988, 1930, s. 7.

7. (1) Every application shall be verified by the solemn declaration of the person or persons making the application.

(2) Any person who wilfully makes any false statement in any application shall be deemed to be guilty of wilful and corrupt perjury.

Notice of application to mortgagee. Cf. 1988, 1930, s. 10.

8. (1) Before considering any such application with respect to any land the bank shall, in the cases hereinafter mentioned, give notice in writing to the mortgagee under any mortgage of the land, and shall consider any representations which are, within one month after the giving of the notice to any such mortgagee made to the bank by the mortgagee. The bank shall give notice as aforesaid to the mortgagee under any mortgage of the land which is registered under The Real Property Act, 1886-1936, and shall also give notice to every other mortgagee under any mortgage of the land (not registered as aforesaid) whose name is stated in the application.

(2) If the consent in writing of any such mortgagee to the granting of the loan is forwarded to the bank, the bank need not give notice to that mortgagee as provided by this section.

(3) If any such mortgagee does not consent to the granting of the loan, the bank shall not grant the loan if it considers that the granting of the loan will prejudicially affect the security of the mortgagee.

(4) If the application is made by the registered proprietor under The Real Property Act, 1886-1936, of a life estate of freehold in possession, the bank shall, before considering the application, give notice in writing to every person who is registered under The Real Property Act, 1886-1936, as the proprietor of any estate of freehold in remainder in respect of the said land and shall consider any representations which are, within one month after the giving of the notice to any

such person, made to the bank by such person. If the consent in writing of any such person to the granting of the loan is forwarded to the bank, the bank need not give notice to that person as provided by this subsection.

Power to bank to grant loan. Cf, 1988, 1930, s. 12.

9. (1) The bank may, subject to such terms and conditions as the bank thinks fit, grant a loan to any applicant to the extent of the whole or any part of the loan for which application is made. The amount of the loan shall be the net cost to the bank of the fencing material or water piping, as the case may be, supplied as provided by this section.

(2) If any loan is granted, the bank shall cause to be supplied to the applicant fencing material or, as the case may be, water piping.

(3) When supplying fencing material or water piping to an applicant, the bank shall give notice in writing to the applicant, specifying the value thereof, and requiring him, within a time to be specified in the notice, to erect the fencing material on or, as the case may be, lay down the water piping in or upon, the land or road in respect of which it is supplied, shortly describing the land or road.

Special provision for pastoral leases. 2029, 1931, ss. 199 and 200.

10. (1) In any case where an application for a loan is made in respect of land held under a pastoral lease and the loan is required for the purpose of erecting a dog-proof fence or vermin-proof fence or for making a fence a dog-proof fence or a vermin-proof fence, the bank may, on the recommendation of the Pastoral Board, instead of supplying fencing material, advance to the applicant a sum equal to the cost of supplying the fencing material at the port or railway station nearest the land.

(2) No sum shall be paid under this section until fencing material costing the amount of that sum has been actually utilised by the applicant in erecting the fence or making the fence a dog-proof fence or a vermin-proof fence to the satisfaction of a Government inspector.

(3) In this section "dog-proof fence" and "vermin-proof fence" have the meanings given to those terms by the Vermin Act, 1931-1936.

Payment of loan. Cf. 1988, 1930, s. 17.

11. (1) The value, as specified in the notice given pursuant to section 9, of all fencing material or water piping supplied to an applicant or, as the case may be, the amount advanced to the applicant pursuant to section 10, shall be deemed to be a loan to the applicant and shall be repaid to the bank in twenty equal yearly instalments with interest at the fixed rate on the balance thereof for the time being remaining unpaid. Every such yearly instalment, together with interest as aforesaid, shall be due and payable by the owner for the time being of the land in respect of which the loan was made, on the first day of February

in every year, the first of the said instalments to be due and payable on the first day of February next after the granting of the loan to the applicant.

(2) When any yearly payment required by this section is not made before the first day of May next after the day upon which the same is required to be made, that part thereof which represents principal shall bear interest, at a rate per annum being one pound per centum in excess of the fixed rate calculated from the date whereon the same became payable until actual payment, and the said interest shall be added to and form part of the yearly payment. The bank may, in any case it thinks fit, remit payment of the whole or any part of the said interest.

(3) The said yearly instalments as they become due and payable, with interest as aforesaid, may at any time be recovered by action in any court of competent jurisdiction by the bank as a debt due to the bank from the owner for the time being of the land in respect of which the loan was made.

(4) Any loan may, at the option of the owner of the land, be repaid at any time sooner than is in this Act provided, or be repaid in larger instalments.

Loans to be charge on land. Cf. 1988, 1930, s. 18.

12. (1) The yearly instalments payable in respect of any loan (whether the loan is made under this Act or under any repealed Act), as they become due and payable (whether before or after the commencement of this Act), and the interest thereon, shall be, and until paid, shall remain, a charge on the land in respect of which the loan is made.

(2) If any such loan was made before the commencement of this Act, the charge shall be a first charge on the land in respect of which the loan was made.

(3) If any such loan is made after the commencement of this Act in respect of any land comprised in a Crown lease or an agreement for sale and purchase with the Crown, the charge shall be a first charge on such land.

(4) If any such loan is made after the commencement of this Act in respect of any land (other than land such as is described in subsection (3)) and the mortgagee under every mortgage of the land which is registered under The Real Property Act, 1886-1936, or the Registration of Deeds Act, 1935, consents to the granting of the loan and to the charge being a first charge on the land, the charge shall be a first charge on such land. If every such mortgagee does not consent to the granting of the loan and to the charge being a first charge on the land, the charge on the land shall be subject to every mortgage of the land which is registered under The Real Property Act, 1886-1936, or, as the case may be, the Registration of Deeds Act, 1935, prior to a memorandum of the charge being indorsed or a memorial of the charge being registered as provided by section 13.

(5) Any mortgagee of any such land, upon default being made by the owner in the payment of any instalment under any loan or any interest thereon, or any part thereof, may pay the same to the bank, and any such payment when so made shall be deemed to be added to and to form part of the principal sum secured by the mortgage of the mortgagee, and shall be subject to the provisions, powers and remedies expressed or implied or exercisable in respect of the mortgage or of any debt or liability thereby secured.

Indorsement of charge upon title.

13. (1) Forthwith upon any land being charged with a loan made under this Act (whether pursuant to section 12 or section 15) the bank shall give notice in writing thereof to the Registrar-General who shall indorse or cause to be indorsed on the appropriate folio of the register book or register of Crown leases a memorandum of the charge specifying the nature of the charge.

(2) If any land is charged with any loan made under any repealed Act and a memorandum relating to such charge does not appear upon the folio of the register book or register of Crown leases relating to the land, the bank shall, within six months after the commencement of this Act, give notice in writing thereof to the Registrar-General who shall indorse or cause to be indorsed on the appropriate folio of the register book or register of Crown leases a memorandum of the charge.

(3) If any default is made in the payment of any instalment of any loan or any interest thereon, or any part thereof, the bank shall have in respect of the land referred to in the memorandum of charge, the same powers of sale as are given by The Real Property Act, 1886-1936, to a mortgagee under a mortgage in respect of which default has been made in the payment of the principal money or interest or any part thereof, and for such purpose the balance of the loan then unpaid shall be deemed to be the principal money secured by the charge.

(4) If any loan is apportioned as provided by section 14, the bank shall give notice in writing thereof to the Registrar-General who shall indorse or cause to be indorsed on the appropriate folio of the register book or register of Crown leases a memorandum of the apportionment.

(5) Upon any loan being fully repaid to the bank or upon any charge being removed from any land pursuant to section 15, the bank shall give notice in writing thereof to the Registrar-General who shall indorse or cause to be indorsed on the appropriate folio of the register book or register of Crown leases a memorandum of the removal of the charge.

(6) If any land charged with any loan is not under The Real Property Act, 1886-1936, the board shall register in the General Registry Office a memorial of the charge, apportionment thereof, or discharge thereof, as the case may be.

(7) The bank shall, in the cases aforesaid, pay to the Registrar-General such fees as are fixed from time to time by the Registrar-General. All such fees shall be paid to the bank by the applicant owner except in the case of the fees payable in respect of indorsements made pursuant to subsection (2).

(8) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1936.

Apportionment of charge.

14. (1) Where any land is charged with any loan made under this Act or any repealed Act, the bank may, by notice in writing, apportion the loan charged upon the land, and any arrears thereof, between different portions of the land so charged.

(2) After a day to be fixed by the bank the respective portions of the land shall be charged as provided by section 12 with such proportion of the loan and arrears thereof, and with respect to such future instalments, together with interest at the fixed rate on the balance thereof for the time being unpaid, as is fixed by the bank but with no other portion of the loan, arrears, and future instalments and interest.

(3) The provisions of section 8 shall, *mutatis mutandis*, apply to any application to the bank to apportion a loan.

Transfer from one holding to another.

15. (1) Upon the application of any owner whose land is charged with any loan under this Act or any repealed Act, the bank may, by notice in writing, authorise the owner to remove the fencing material or water piping in respect of which the loan was made to any other land specified by the bank of which the applicant is the owner.

(2) In any such case the owner shall remove the fencing material or water piping and erect the fencing material upon or, as the case may be, lay down the water piping in or upon the land specified by the bank.

(3) After a day to be fixed by the bank the land in respect of which the loan was made shall cease to be charged with the loan as provided by section 12, but the land specified by the bank shall be charged with the loan as provided by section 12.

(4) The provisions of section 8 shall, *mutatis mutandis*, apply to any application under this section.

Provision when holding reverts to the Crown.
1938, 1930, s. 37a.

16. (1) If any loan is made under this Act or any repealed Act in respect of any land comprised in a Crown lease or an agreement for sale and purchase with the Crown, and the lease or agreement is cancelled or is otherwise determined, no instalment of principal or interest thereon shall be required to be paid in respect of the loan which is payable during the period from the cancellation or determination of the lease or agreement until the land is again held under lease or agreement as aforesaid.

(2) Upon the land being again comprised in a Crown lease or agreement for sale and purchase with the Crown, the liability to make payments in respect of the loan shall be revived and the land shall be charged with the loan as provided by section 12. A period equal in length to the period mentioned in subsection (1) shall be added to the period within which the loan is required by or pursuant to this Act to be repaid; and every instalment of principal and interest thereon which would have been payable on some date during the period during which payment is suspended, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments of principal and interest thereon fall due.

(3) The Treasurer may, on the recommendation of the bank, declare that no interest shall be chargeable during the period during which payment is suspended under this section. If no such declaration is made, interest at the fixed rate during the said period on the amount of the loan at the time of the cancellation or determination shall be capitalized and shall be paid to the bank within such time and upon such terms as the bank thinks fit.

(4) Upon the land being again leased or agreed to be sold and purchased as before mentioned, the owner of the land shall pay to the bank the instalments required by or pursuant to this Act or any repealed Act to be paid in respect of the loan in manner provided by this section, as if the lease or agreement aforesaid had not been cancelled or determined.

(5) Notwithstanding any other provision of this Act, the bank, on the recommendation of the Land Board, or, in the case of land held under pastoral lease, on the recommendation of the Pastoral Board, may, in any case where a lease or agreement aforesaid is cancelled or determined (whether so cancelled or determined before or after the commencement of this Act) and the land comprised therein is again held under lease or agreement as aforesaid, fix the amount which shall be paid by the owner in payment of the loan (including any arrears of instalments or interest payable before the said cancellation or determination) at an amount equal to the value of the fence or water piping, as the case may be, at the time the land is again leased or agreed to be sold. The amount so fixed shall be paid by such equal annual instalments as are fixed by the bank spread over the remainder of the term of the loan or for such other period as is fixed by the bank, together with interest at the fixed rate on the balance of the said amount for the time being unpaid. The balance (if any) between the amount of the loan and any arrears of instalments or interest, and the amount fixed as aforesaid, shall cease to be payable or recoverable.

(6) This section shall apply to loans made under this Act, to loans made under any repealed Act to any occupier, and to loans made under any repealed Act which by virtue of section 21 of this Act, are payable to the bank.

Power to remove material. Cf. 1988, 1930, s. 29.

17. (1) When any money is due to the bank under any loan made under this Act or any repealed Act in respect of any fencing material or water piping, the bank may enter upon any land and remove the fencing material or water piping. The bank may again dispose of the fencing material or water piping as provided by this Act or may sell the same.

(2) In any such case the amount payable under the loan shall be deemed to be reduced by the value of the fencing material or water piping so removed. For the purposes of this subsection the value aforesaid shall, if the fencing material or water piping is again disposed of for the purposes of a loan under this Act, be the amount of the loan granted in respect thereof and, if the fencing material or water piping is sold, be the amount realised from the sale, less, in each case, any costs incurred in the removal and any sale thereof.

Power of bank to fix the rate of interest on loans. 1988, 1930, s. 31.

18. (1) The bank may, from time to time, by notice published in the *Gazette*, fix the annual rate of interest to be paid on loans made by the bank under this Act, and may, in like manner, annul any rate so fixed.

(2) Any rate so fixed shall come into force on the fourteenth day after the date of the *Gazette* in which the same is published, and shall continue in force until the fourteenth day after the date of the *Gazette* in which the notice annulling the same is published.

Capitalization of arrears.

19. If any payment in respect of any loan under this Act or any repealed Act is in arrear, the bank may capitalize the arrears which represent interest. In any such case the amount in arrear which represents principal and the amount so capitalized shall be paid to the bank within such time and upon such terms as the bank thinks fit.

Fees to bank.

20. Before granting any application under this Act the bank may require payment by the applicant of such inspection fees as the bank deems necessary and of any fees payable pursuant to section 13.

Provision for past advances.

21. (1) In this section and section 22 " advance " means any advance for fencing material or water piping made before the commencement of this Act by any district council or vermin board to any person pursuant to any repealed Act, and in respect of which any amount is due at or will become due after the commencement of this Act.

(2) At the commencement of this Act every advance shall cease to be repayable to the district council or vermin board by which it was made and shall be repayable to the bank.

(3) Every such advance shall, subject to this Act, be repayable to the bank to the same amount and in the same instalments and shall bear interest at the same rate and shall be subject to the same payments as would be the case if the advance continued to be repayable to the district council or vermin board.

(4) The liability to pay the said instalments, interest and other payments shall be upon the occupier to whom the advance was made by the district council or vermin board and, if such person ceases (whether before or after the commencement of this Act) to be the occupier of the land in respect of which the advance was made, shall be upon the owner for the time being of the land in respect of which the advance was made.

(5) The provisions of this Act (so far as applicable) shall apply to every such advance as if it were a loan under this Act, and every such advance shall (so far as the provisions of this Act are applicable) be deemed to be a loan under this Act.

(6) Every district council and vermin board to which, at the commencement of this Act, any such advance was payable shall forward to the bank all records in the possession of the district council or vermin board relating to the advance.

(7) If in any case the records of any district council or vermin board do not clearly show the amount outstanding (whether of principal or interest) of any advance, the bank may, by notice in writing, fix that amount. The notice and any variation thereof made by the bank shall be final and binding upon all persons.

Power to recoup district councils and vermin boards.

22. As between the bank and every district council and vermin board to which any advance or advances were repayable at the commencement of this Act, the following provisions shall apply :—

(i.) The bank shall, with respect to all advances made by every such district council or vermin board ascertain—

(*a*) the amount representing arrears and the unpaid balances of principal which immediately before the commencement of this Act is outstanding as between the district council or vermin board and all persons to whom advances have been made by the district council or vermin board ; and

(*b*) the amount representing arrears and the unpaid balances of principal which immediately before the commencement of this Act is outstanding as between the bank and the district council or vermin board in respect of all the loans from which the said advances were made:

(ii.) If the total amount repaid after the commencement of this Act by the said persons to the bank in payment of the arrears and the unpaid balances of principal outstanding at the commencement of this Act in respect of the advances made by any district council or vermin board is in excess of the total amount ascertained pursuant to subdivision (*b*) of paragraph (i.) the Treasurer may pay any such excess to the district council or vermin board:

(iii.) Any amount so paid to any district council or vermin board shall be paid out of the general revenue without any further appropriation than this section.

Provision for past advances to occupiers.

23. (1) All advances made pursuant to section 35 of the Loans for Fencing and Water Piping Act, 1930-1936, or Division IV. of Part V. of the Vermin Act, 1931-1936, or any corresponding provision of any other repealed Act, shall continue, subject to this Act, to be repayable to the bank to the same amount and in the same instalments, and shall bear interest at the same rate and shall be subject to the same payments as would be the case as if this Act had not been passed.

(2) The provisions of this Act shall apply to every such advance as if it were a loan under this Act, and every such advance shall be deemed to be a loan under this Act.

Power to bank to erect fence or lay down piping on default. Cf. 1988, 1930, s. 16.

24. If an applicant does not, within the time specified in any notice given pursuant to section 9, duly use the fencing material or water piping supplied in fencing on or, as the case may be, laying down water piping in or upon the land or road in respect of which the same was supplied, to the satisfaction of the bank, the bank may undertake and carry out the said fencing or laying down the water piping. The cost to the bank of so doing shall be deemed to be added to the amount of the loan and shall, with interest at the fixed rate on the balance for the time being unpaid, be repaid in such instalments as are fixed by the bank.

Service of notices. 1988, 1930, s. 37.

25. (1) Any notice to be given under this Act to any person shall be duly given if—

(*a*) served on him personally:

(*b*) left at his usual or last known place of abode or business in the State:

(*c*) served on any person resident on the land in question ; or

(*d*) sent by post in a prepaid letter addressed to the person at his usual or last known place of abode or business.

(2) Where there is more than one owner of the same land, service upon any one of them in manner aforesaid shall be deemed service upon all.

(3) Any person to whom any such notice is required to be given may, by words or conduct, waive the same.

26. The Governor may make regulations— Regulations. 1988, 1930, s. 32.

(*a*) prescribing forms for the purposes of this Act :

(*b*) prescribing the kind of fences to be erected in pursuance of this Act :

(*c*) prescribing the kinds of water piping to be laid down in pursuance of this Act :

(*d*) prescribing the manner and conditions of erecting such fences or laying down such water piping :

(*e*) generally for carrying the purposes of this Act into effect.

27. In any proceedings where it is desired to prove the amount of any payments due at the time of the proceedings or thereafter payable in respect of any loan made under this Act or any repealed Act, an itemised statement of account certified by the bank to be correct shall be *prima facie* evidence as to the amount. Evidence of moneys owing. Cf. 2029, 1931, s. 256.

28. Any owner who does not, within fourteen days after service upon him by the bank of a notice requiring him to repair a fence erected upon his land under the provisions of this Act or any repealed Act, or any gate in any such fence, or to keep any such fence or gate clear of sand, rubbish, or other accumulation, or to repair any water piping laid down in or upon his land under the provisions of this Act or any repealed Act, duly comply with the notice, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds. Non-compliance with notice to repair fence. 1988, 1930, s. 34.

29. Any person who— Offences. 1988, 1930, s. 38.

(*a*) fails to comply with a notice given pursuant to section 9 ; or

(*b*) uses any fencing material or water piping supplied to him by the bank for any purpose other than the purpose for which it was so supplied ; or

(*c*) expends any advance made to him under section 10, or any part thereof, for any purpose other than the purpose for which the advance was made,

shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Summary proceedings for offences.

30. All proceedings in respect of offences against this Act shall be disposed of summarily.

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

W. DUGAN, Governor.

THE SCHEDULE.

AMENDMENTS TO THE VERMIN ACT, 1931-1936.

Provision Affected.	How Affected.
Section 53	Paragraphs (*a*), (*b*), and (*c*) of subsection (2) of section 53, and the words " as well as to " in the said subsection are repealed.
Section 158	The definition of " special area " is repealed.
Section 159	Section 159 is repealed.
Part V.—Divisions II., III., and IV.	Divisions II., III. and IV. of Part V. are repealed.
Section 215	After the word " Act " in the second line the words " or the Loans for Fencing and Water Piping Act, 1938 " are inserted, and after the word " Act " in the last line the words " or the Loans for Fencing and Water Piping Act, 1938, as the case may be " are inserted.
Sections 222, 223, 224, 224a, and 224b.	Sections 222, 223, 224, 224a, and 224b are repealed.
Sections 245 and 246	Sections 245 and 246 are repealed.
Section 256	Section 256 is repealed.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2410.

An Act to amend the Agricultural College Act, 1936.

[*Assented to 8th December,* 1938.]

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 "Agricultural College Act Amendment Act, 1938".

(2) The Agricultural College Act, 1936, as amended by this Act, may be cited as the "Agricultural College Act, 1936-1938".

(3) The Agricultural College Act, 1936, is in this Act called "the principal Act".

Incorporation.

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

Amendment of s. 4 of principal Act—Commissioner for Agricultural Endowments.

3. Section 4 of the principal Act is amended by striking out the words "Commissioner of Crown Lands" in the first line thereof and inserting in lieu thereof the words "Minister of Agriculture".

Enactment of s. 4a of principal Act—

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

Validation of certain transactions.

4a. Every transaction entered into and every act done before the enactment of this section by the Minister of Agriculture in connection with the administration of the Agricultural College Act, 1936, or any Act repealed by that Act, or in connection with the administration or management of the Roseworthy Agricultural College, shall be and be deemed always to have been of the same force and

validity as if the Minister of Agriculture had at the time of that transaction or act constituted the body politic and corporate known as "The Commissioner for Agricultural Endowments".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2411.

An Act to amend the Building Societies Act, 1881-1936.

[*Assented to 8th December,* 1938.]

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 " Building Societies Act Amendment Act, 1938 ".

(2) The Building Societies Act, 1881-1936, as amended by this Act, may be cited as " The Building Societies Act, 1881-1938 ".

211, 1881.

(3) The Building Societies Act, 1881-1936, is in this Act 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.

Re-enactment of s. 4 of principal Act—

3. Section 4 of the principal Act is repealed, and the following section is enacted and substituted in lieu thereof :—

Formation of societies.
N.S.W. 1, 1924, s. 39.

4. (1) Any number of persons, not less than ten, may establish a society under this Act either terminating or permanent.

(2) Before any society formed after the enactment of this section is registered there shall be held a meeting at which ten or more persons qualified to be members of the society are present.

(3) At the meeting there shall be presented—

(*a*) a written statement showing the objects of the society, and the reasons for believing that, when registered, it will be able to carry out its objects successfully :

(*b*) a copy of the rules which it is proposed to tender for registration.

(4) If, at the same or any subsequent or adjourned meeting, after consideration of the statement and rules, ten or more persons (qualified to be members) approve the rules with or without amendment and sign an application for membership, they shall proceed to elect the first committee of management of the society in accordance with the rules as so approved.

(5) Within two months after the election of the committee of management, an application shall be made to the registrar for the registration of the society, and shall be accompanied by—

(*a*) a statutory declaration from the chairman and secretary of the meeting declaring that the requirements of the preceding provisions of this section have been complied with :

(*b*) a copy of the written statement presented to the meeting :

(*c*) two copies of the proposed rules signed by not less than ten applicants for membership, each of whose signatures shall be attested by a witness :

(*d*) a list containing the full name and the occupation and address of each member of the committee of management :

(*e*) a list containing the full name and the occupation and address of each applicant for membership and the number of shares subscribed for by him :

(*f*) such other particulars as may be prescribed by regulation.

(6) The statutory declaration mentioned in subsection (5) of this section may be accepted by the registrar as sufficient evidence of compliance with the requirements of this section.

(7) If the registrar is satisfied that the society has complied with the provisions of this Act and the regulations, and that the proposed rules of the society are not contrary to this Act or to the regulations, the registrar shall register the society and its rules, and return one copy of the rules to the society with a certificate in the form of the second schedule to this Act, that the society is incorporated under this Act.

(8) The expenses of and incidental to the formation of any society may be paid either out of capital or income.

(9) No building society shall be formed or established except under this Act.

Enactment of ss. 13a, 13b, and 13c of principal Act—

4. The following sections are enacted and inserted in the principal Act after section 13 thereof :—

Withdrawal of shares from building society. N.S.W., 1, 1924, s. 55.

13a. No rules of a building society providing for the withdrawal of shares by members shall be registered after the enactment of this section unless they prescribe the withdrawal value of the shares and the society satisfies the registrar by the certificate of an actuary or such other evidence (if any) as the registrar requires that the withdrawal values so prescribed are equitable.

Model rules. S. Af. 1922, No. 28, s. 8.

13b. (1) The Governor may by regulation prescribe model rules for any kind of society.

(2) A society which is to be registered under this Act, or which is registered thereunder, may adopt as its rules all or any of the model rules applicable to such society.

(3) No alteration of any model rules shall apply to any society which is established before the alteration is published in the *Gazette*, unless the society by rule adopts the alteration.

Committee of management. N.S.W., 1, 1924, s. 84.

13c. (1) The members of the committee of management shall be elected at a general meeting of the society in accordance with the rules : Provided that the first members of the committee of management shall be elected at the meeting for the formation of the society.

(2) The number of members of the committee of management shall be not less than three, and no person shall be qualified to be a member of the committee of management unless he is a member of the society.

(3) Every member of the committee of management acting in the business or operations of the society in pursuance of a resolution duly passed by the committee shall be deemed to be the agent of the society for all purposes within the objects of the society.

(4) The acts of a member of the committee of management shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

(5) Subsections (1) and (2) of this section shall apply only to societies formed after the enactment of this section ; subsections (3) and (4) shall apply to all societies whether formed before or after the enactment of this section.

5. The following section is enacted and inserted in the principal Act after section 24 thereof :— Enactment of s. 24a of the principal Act—

24a. A member of the committee of management of a society or an officer of a society shall not borrow from that society, and the society shall not lend to a member of its committee of management or to any of its officers, and if any loan is made in contravention of this subsection, the members of the committee of management who authorised the loan shall be jointly and severally liable for any loss which the society sustains by reason of the loan. Officers borrowing from the society. N.S.W. 1, 1924, s. 88.

This section shall not apply to—

(*a*) any loan made on the security of shares held by the borrower if such loan does not exceed the amount paid up on such shares; or

(*b*) any loan made pursuant to a resolution carried at a general meeting of the society:

(*c*) any loan to which a person has become entitled under the rules of a society by reason of his having been successful in a ballot for loans, duly conducted by the society in accordance with those rules.

6. The following section is hereby enacted and inserted in the principal Act after section 26 thereof :— Enactment of s. 26a of the principal Act—

26a. (1) Every society shall have a registered office in the State. Registered office of society. N.S.W., 1, 1924, s. 72.

(2) Every society shall keep its registered office open and accessible to the public for not less than three hours between the hours of eight o'clock in the morning and six o'clock in the evening each day for at least two days a week.

(3) All communications and notices to the society may be addressed to the society at its registered office.

(4) Every society shall give notice to the registrar of the situation of its registered office and of the days and hours during which it is accessible to the public.

The notice shall be given—

(*a*) in the case of a society existing at the time of the enactment of this section, within one month after the enactment of this section; and

(*b*) in the case of any society formed after the time of the enactment of this section within one month after the registration of the society.

(5) Every society shall before making any change in the situation of its registered office, or in the days and hours when such office is open to the public, give notice of such change to the registrar.

(6) Every society shall keep at its office throughout office hours—

(*a*) a copy of this Act and the regulations ;

(*b*) a copy of the rules of the society ;

(*c*) a copy of the last balance-sheet and the last profit and loss account of the society, together with the report of the auditor thereon ;

(*d*) a register of the names and addresses of the members of the committee of management, and the list of members kept pursuant to section 35b of this Act ; and

(*e*) a register showing the amounts of the loans raised by the society, and the dates thereof, and the securities given and bonds issued by the society,

and shall permit any member or creditor of the society to inspect any such document without fee.

(7) If any society fails to comply with this section in any particular it shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Enactment of ss. 27a and 27b of the principal Act—

7. The following sections are enacted and inserted in the principal Act after section 27 thereof :—

Government guarantee to banks. N.S.W. 57, 1934, s. 3.

27a. (1) The Treasurer may on the recommendation of the registrar and with the approval of the Governor, execute a guarantee in favour of any bank, or of any friendly society registered under the Friendly Societies Act, 1919-1937, or of any other body of persons, corporate or unincorporate, approved by the Treasurer, for the repayment of any advance made or to be made by the bank, friendly society, or body approved as aforesaid (as the case may be) to any society.

(2) Before executing any such guarantee the Treasurer may require the society to comply with any conditions which the Treasurer thinks necessary for the purpose of securing the efficient management and working of the society and preventing loss.

(3) The guarantee may include the interest (whether compound or otherwise) and expenses chargeable by the bank, friendly society, or body approved as aforesaid (as the case may be), against the society in the usual course of its business and the expenses of enforcing or obtaining or endeavouring to obtain payment of the debt guaranteed and such interest and expenses.

(4) Any sums which may become due and payable by the Treasurer under any guarantee given by him pursuant

to this section may be paid out of the general revenue of the State without any appropriation other than this Act.

Treasurer may undertake to indemnify building societies against loss in certain circumstances. N.S.W., 1, 1924 s. 17a.

27b. Where a building society proposes to lend money to a member who is not already the owner of a dwelling-house, and—

(*a*) such money is to be lent for the purpose of enabling the member to purchase land upon which a dwelling-house is already erected or to purchase land and erect a dwelling-house thereon, or to erect a dwelling-house on land already owned by him ; and

(*b*) the dwelling-house is to be occupied by the member to whom the money is to be lent ; and

(*c*) the amount proposed to be lent does not exceed five hundred and fifty pounds ; and

(*d*) the amount proposed to be lent reduced by the paid up value of the member's share capital exceeds eighty per centum but does not exceed ninety per centum of the value of the land and the dwelling-house erected or to be erected thereon, as ascertained in such manner as the registrar directs ; and

(*e*) the payments to be made to the society by the member in repayment of the principal and interest of the loan are at a rate not exceeding three shillings a week for each hundred pounds of the loan; and

(*f*) a life insurance policy has been taken out on the life of the member insuring the payment in the event of his death during the currency of the loan of—

i. an amount not less than fifty per centum of the principal outstanding in respect of the loan at the time of the death ; or

ii. two hundred pounds,

and the policy is by assignment or otherwise made security for repayment to the society of any amounts of principal or interest outstanding in respect of the loan at the time of the death of the member,

the Treasurer may, with the approval of the Governor, by agreement undertake to indemnify the society against so much of any loss sustained by the society in respect of the loan as is directly attributable to the fact that the amount so lent reduced by the paid up value of the member's share capital is in excess of eighty per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (*d*) of this section.

Enactment of s. 36a. of principal Act—

Inspection by registrar.

N.S.W. 1, 1924, s. 17.

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

36a. (1) The registrar or any public servant, accountant, or actuary authorised in writing by the registrar may inspect and take copies of any books, accounts or records of any society.

(2) If—

(*a*) any person who has in his possession or under his control any books, accounts, or records of any society fails to produce them for inspection and copying when required by the registrar or any person authorised by him in writing under this section ; or

(*b*) any person hinders or obstructs the registrar or any such authorised person in making any inspection or taking any copies under this section,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) The registrar may require the manager of any bank or branch of a bank in which the funds of a society are deposited or invested to furnish him with a statement of the amount of such deposit or investment and any other particulars required by him to be furnished.

Any person who upon receipt of a demand under this subsection fails to comply therewith shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Amendment of principal Act, s. 38—

Winding-up by the court.

9. Section 38 of the principal Act is amended as follows :—

(*a*) After the word " otherwise " in paragraph IV. thereof, the following paragraph is inserted :—

v. by winding-up by the court on the petition of the registrar on the happening of any of the events specified in subsection (2) of this section :

(*b*) The following subsection is inserted at the end of section 38 (the previous part of that section being read as subsection (1) :—

N.S.W. 1 1924, s. 92.

(2) The registrar may, if he is satisfied that the facts justify him in doing so, apply by petition for the winding-up of a society in any of the following cases :—

(*a*) If the number of members of the society is reduced to less than ten :

(*b*) If the society has not commenced business within a year of registration, or has suspended business for more than six months :

(*c*) If the period, if any, fixed for the duration of the society by its rules has expired :

(*d*) If an event has occurred upon the occurrence of which the rules of the society provide that the society is to be wound up :

(*e*) If the registration of the society has been obtained by fraud or mistake :

(*f*) If the society exists for an illegal purpose :

(*g*) If the society has unlawfully and after notice from the registrar, violated this Act, or the rules of the society.

10. The following section is enacted and inserted in the principal Act after section 38 thereof :— Enactment of s. 38b of the principal Act—

38a. If a society continues to carry on business for one month after the number of its members is reduced below ten, every person who is a member of the committee of management of the society at any time while it so continues to carry on business, and is aware that it is so carrying on with less than ten members, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five pounds for every day during which the offence continues. Too few members.

11. The following section is enacted and inserted in the principal Act after section 40 thereof :— Enactment of section 40a of principal Act—

40a. (1) On the death of a member the society shall, except as otherwise provided in subsection (2) of this section or in the rules of the society, transfer his share or interest to one of the following persons :— Death of member. N.S.W., 1, 1924, s. 58.

(*a*) To the nominee of the member nominated by a written nomination deposited with the secretary of the society ; or

(*b*) If there is no such nominee, then to the executor or administrator of the member ; or

(*c*) To such person as the nominee, or if there is no such nominee, then as the executor or administrator may specify in an application made to the society within three months after the death of the member.

(2) If there is no such nominee, executor, administrator, or other person willing to have the share or interest transferred to him, the board may purchase such share or interest and pay the amount of the purchase-money to the nominee, or if there is no such nominee, then to the executor or administrator:

Provided that the board shall not be bound to make such payment until all moneys due from the deceased member or his estate have been repaid to the society.

(3) The share or interest shall for the purposes of this section include any credit balance due to the member, and the value of the share or interest shall be ascertained in accordance with the rules.

(4) The nominee nominated by the member shall not be an officer or employee of the society unless the officer or employee is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the member.

(5) The nomination shall not be valid or effectual if at the date of the nomination the member is under the age of sixteen years, or if at the death of the member the value of his share or interest exceeds two hundred pounds.

(6) The nomination may be revoked or varied by a written notice deposited with the secretary of the society, but shall not be revocable or variable by will or codicil.

(7) The nomination shall be revoked by the marriage of the member, unless expressed to be made in contemplation of marriage and in favour of the intended wife; Provided that where the society makes any transfer or payment to a nominee in ignorance of a marriage contracted by the member after the date of the nomination, the receipt of the nominee shall be a valid discharge to the society, and the society shall be under no liability to any other person claiming the share or interest.

(8) Any transfer or payment made by the society in accordance with this section shall be valid and effectual against any demand made upon the society by any other person.

Consequential amendment of s. 41 of the principal Act.

12. Section 41 of the principal Act is amended by inserting at the end thereof the following passage:—

Nothing in this section shall affect the rights of a nominee under any nomination made by a member and in force at the material time.

13. The following sections are enacted and inserted in the principal Act after section 41 thereof :— Enactment of ss. 41a to 41d, of principal Act—

41a. (1) On any application for registration of a society or of any rule or document under this Act, the registrar may require any applicant to furnish him with any information reasonably required for the purpose of showing that the application should be granted. Information and evidence. Cf. N.S.W. 1, 1924, s. 116.

(2) The registrar may at any time require from any society any information reasonably required for the purpose of showing that the society is *bona fide* carrying on business and is complying or has complied with the requirements of this Act.

(3) The registrar may require any such information to be verified by a statutory declaration.

41b. (1) If (except as provided for in the rules of the society) any officer of a society accepts any commission, fee, or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction of such person with the society, he shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for any term not exceeding six months or to a penalty not exceeding one hundred pounds. Commission. N.S.W. 1, 1924, s. 110.

(2) Every officer who is guilty of any offence under subsection (1) of this section shall further be liable to make good to the society double the value or amount of such commission, fee, or reward.

41c. Every year the Governor shall cause an investigation to be made into the operations and administration of those societies whose loans have been guaranteed under section 27a of this Act, or to which the Treasurer has given indemnities under section 27b of this Act, and shall cause the report on such investigation to be laid before both Houses of Parliament. Annual investigation.

41d. The registrar shall within three months after the close of each financial year present to the Minister a report on the working of this Act during that financial year and the report shall, as soon as practicable after the receipt thereof, be laid before both Houses of Parliament. Annual report.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2412.

An Act to enact certain provisions with respect to the supply of cornsacks to farmers.

[*Assented to 8th December,* 1938.]

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 "Cornsacks Act, 1938".

Incorporation.

2. This Act is incorporated with The Bills of Sale Act, 1886-1935, and that Act and this Act shall be read as one Act.

Interpretation.

3. In this Act, unless the context otherwise requires—

"crop" means crop of wheat, barley, oats, or rye, and any such crop cut for hay, and includes the grain harvested from any such crop:

"farmer" means any person who cultivates land for the production of wheat, barley, oats, or rye, or is a party to any share-farming agreement pursuant to which land is cultivated for the production of wheat, barley, oats, or rye, and the executors, administrators, and assigns of any such person:

"farmer's crop" means all crops growing or harvested or in process of being harvested on land occupied by the farmer, or on land worked under a share-farming agreement to which he is a party, and where the farmer is entitled only to some share of such crops the term shall mean the share of such crops to which the farmer is entitled:

"memorandum" means memorandum of lien under this Act:

"price" includes the price, or the balance of the price, of any cornsacks, together with any money due by the buyer to the seller for interest on the price, or any part thereof, or for the cost of transport or delivery of the cornsacks :

"Registrar-General" means Registrar-General of Deeds :

"seller" means a person who sells cornsacks on credit to a farmer, and the executors, administrators, and assigns of any such person.

Registration of charge to cover cost of cornsacks.

4. (1) Where, after the commencement of this Act, a person sells cornsacks to a farmer on credit, the seller may file in the General Registry Office at Adelaide a memorandum of lien in the form set out in the schedule to this Act, with any modifications which circumstances require, and completed and executed as indicated in the said schedule.

(2) Upon the filing of such a memorandum—

(*a*) the seller shall for the purpose of securing payment of the price of the cornsacks at the time when it becomes payable have a preferential lien over the whole of the farmer's crop existing at the time of filing the memorandum :

(*b*) the said lien shall have priority over the claims of all other persons to or in respect of the said crop :

(*c*) the seller entitled to the said lien may, on default by the farmer in payment of any moneys secured thereby, exercise any remedy available to the holder of an equitable lien over chattels :

(*d*) in addition to the foregoing provisions the farmer mentioned in the memorandum shall be deemed to have covenanted with the seller to observe all the covenants set out in section 11 of The Bills of Sale Act, 1886-1935, as if he were the grantor of a valid and duly registered bill of sale, and the seller were the grantee thereof, and the price of the cornsacks were moneys secured thereby, and the said crop were personal chattels comprised in the said bill of sale :

(*e*) the seller may, on default by the farmer, exercise in relation to the said crop, all or any of the powers which he could exercise under the said section 11 of The Bills of Sale Act, 1886-1935, if he were the grantee of a valid and duly registered bill of sale over the said crop, and the said price were moneys secured thereby, and the farmer were the grantor thereof :

(*f*) the said farmer shall not thereafter during the continuance of the lien, and with knowledge thereof, deliver the said crop to any person or suffer it to be delivered to any person without the consent in writing of the seller, and if any farmer acts in contravention of this provision he shall be guilty of a misdemeanour.

Effect of lien.

5. A lien under this Act on the crop of any farmer shall not be in any way extinguished, suspended, impaired, or otherwise prejudicially affected by any subsequent sale, transfer, mortgage, or other encumbrance whatever, of the land on which the crop exists, or any part of the land.

Consent of other persons having interest in crop.

6. If, at the time when a memorandum is produced to the Registrar-General for filing, a bill of sale or prior memorandum in favour of some other person over all or any of the crops of the farmer mentioned in the memorandum has already been registered or filed the memorandum shall not be filed unless the consent of that other person is signified in writing on the face of the memorandum.

Duty of Registrar-General.

7. (1) The Registrar-General shall receive into his office and file, on payment of a fee of one shilling, any memorandum which complies with this Act and is produced to him for filing. A memorandum in proper form shall be deemed to have been filed on the day on which it was produced to the Registrar-General for filing.

(2) The Registrar-General shall keep an index showing, in alphabetical order, the name of every farmer in respect of whom a memorandum is filed under this Act, and his address.

(3) The said index, and any document filed under this Act, shall be available for inspection by any person during the office hours of the General Registry Office.

Transfer and discharge.

8. A memorandum may be transferred or discharged by a document in writing, stating the date and particulars of the transaction, and filed in the office of the Registrar-General. A fee of one shilling shall be payable for filing any such document.

Operation of Act.

9. No memorandum shall be filed under this Act in respect of the price of any cornsacks supplied after the thirty-first day of March, nineteen hundred and thirty-nine.

Exemption from stamp duty.

10. No stamp duty shall be payable on any memorandum.

Non-application of Act to farmers obtaining relief.

11. No memorandum filed under this Act shall operate so as to create any lien on any crop if that crop has been assigned to any public authority administering any laws for the relief or protection of farmers.

Penalty for filing false memorandum.

12. Any person who files any memorandum under this Act for any amount other than the price of cornsacks sold by him to the person whose crop is subject to the memorandum shall be guilty of an offence punishable summarily, and liable to a fine not exceeding fifty pounds.

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

W. DUGAN, Governor.

THE SCHEDULE.

MEMORANDUM OF LIEN ON CROP.

I (or we) of.....hereby certify that on the .....day of....., 1938, I (or we) supplied to.....of..... cornsacks for which the said.....owes me (or us) the sum of £....., which sum includes all interest payable on the said price, and all moneys due to me (or us) for transport and delivery of the said cornsacks, and is payable on or before the.....day of .....19....

I (or we) claim, pursuant to the Cornsacks Act, 1938, a lien on all crops within the meaning of that Act, which at the date of the filing of this memorandum, are growing or harvested or in process of being harvested on land owned by the said..... or on land worked under a share-farming agreement to which he is a party; and if the said.....is entitled only to a share of such crops I (or we) claim a lien over that share.

Dated this.....day of.....19....

.....

[Signature of person supplying the cornsacks, or, if the cornsacks are supplied by a company, the signature on behalf of the company of the secretary, manager, or some other officer of the company.]

.....

Witness.

CONSENT OF BILL OF SALE HOLDER OR OF PERSON ENTITLED TO A PRIOR LIEN UNDER THE CORNSACKS ACT, 1938.

I (or we).....of..... being the grantee of the registered Bill of Sale, No.....(or the holder of a lien under a memorandum duly filed under the Cornsacks Act, 1938) over a crop of.....on land occupied by the said..... .....or on land worked under a share-farming agreement to which he is a party, hereby consent to the filing of this memorandum.

Signature .....

[Signature of person giving consent, or if consent is given by a company, signature on behalf of the company of the secretary, manager, or some other officer of the company.]

Witness .....

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2413.

An Act to amend the Impounding Act, 1920-1935.

[*Assented to 8th December,* 1938.]

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 " Impounding Act Amendment Act, 1938 ".

(2) The Impounding Act, 1920-1935, as amended by this Act, may be cited as the " Impounding Act, 1920-1938 ".

(3) The Impounding Act, 1920-1935, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3—

2. Subsection (1) of section 3 of the principal Act is amended by inserting therein after the definition of " enclosed " the following definition :—

Definition of " nearest public pound ".

" nearest public pound " means the public pound nearest by distance measured along the shortest route usually used in travelling :

Amendment of principal Act, s. 14.

3. Section 14 of the principal Act is amended by inserting after the word " nearest " in subsection (4) thereof the word " public ".

Amendment of principal Act, s. 19—

Variation of fees.

4. Section 19 of the principal Act is amended—

(*a*) by inserting after the word " and " in the second line thereof the words " with the consent in writing of the Minister "; and

(*b*) by inserting after the word " the " in the fifth line thereof the word " fourth ".

Amendment of principal Act, s. 28—

5. Subsection (1) of section 28 of the principal Act is amended so as to read as follows :—

Security for amount payable.

(1) Notwithstanding that the moneys payable pursuant to paragraph (*a*) of subsection (1) of section 27 have not been paid, the keeper of any public pound may, upon receiving an undertaking in writing to secure the payment of the said moneys in the form in the eighth schedule signed by the owner of the impounded cattle or by some person on his behalf, release the cattle and deliver them to the owner thereof or to any person authorised in writing by the owner to receive them.

Amendment of principal Act, s. 46—

6. Section 46 of the principal Act is amended by adding at the end thereof the following subsection :—

Cattle at large. Cf. 1929, 1929, s. 273.

(3) If whilst in any street or public place, any cattle in charge of any person do not travel at the rate of at least five miles a day in a direct line, the cattle shall, for the purposes of this section, be deemed to be at large: Provided that if any cattle are being driven to any market, this subsection shall not apply in respect of such cattle on the day when the cattle are driven to the market or to the preceding day.

Amendment of principal Act—

7. The principal Act is amended by inserting therein after section 46 the following section :—

Provision as to leasing of roads, &c.

46a. (1) If the Governor is satisfied that any road—

(*a*) is one which is necessary to be used by travelling stock; or

(*b*) is a main road within the meaning of the Highways Act, 1926-1937 ; or

(*c*) is a road which by reason of the traffic thereon should not be leased or over which depasturing licences should not be granted,

he may by proclamation declare that this section shall apply to the road.

(2) The Governor may by proclamation revoke or vary any such proclamation.

(3) During such time as any proclamation is in force with respect to any road no council shall let that road or permit the use thereof as provided by section 375 of the Local Government Act, 1934-1936, or shall grant pursuant to the Local Government Act, 1934-1936, or any by-law of the council, any depasturing licence over any such road.

(4) If at the time of the making of a proclamation under subsection (1) in respect of any road, any such letting, permission to use, or depasturing licence is in force in respect of the road, the same shall be deemed to be determined and the person entitled thereunder shall be

entitled to be repaid by the council such proportion of any fees paid thereunder as the unexpired period thereof at the time of the making of the proclamation bears to the full period thereof.

(5) In this section "road" includes a part of a road.

Amendment of principal Act, fifth schedule.

8. The fifth schedule to the principal Act is amended by striking out the heading "For each day or part of a day" twice occurring and by inserting in lieu thereof in each case the heading "For each period of twenty-four hours or part thereof".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2414.

An Act to amend the Veterinary Surgeons Act, 1935-1936.

[*Assented to 8th December*, 1938.]

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 " Veterinary Surgeons Act Amendment Act, 1938 ".

(2) The Veterinary Surgeons Act, 1935-1936, as amended by this Act, may be cited as the " Veterinary Surgeons Act, 1935-1938 ".

(3) The Veterinary Surgeons Act, 1935-1936, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 5—

2. Subsections (2), (3) and (4) of section 5 of the principal Act are repealed and the following subsections are enacted in lieu thereof :—

Constitution of the board.

(2) The board shall consist of the Chief Veterinary Officer and three other members who shall be appointed by the Governor on the nomination of the Minister.

(3) Of the persons nominated by the Minister—

(*a*) one shall be registered pursuant to subsection (1) of section 17 ;

(*b*) one shall be registered under this Act other than pursuant to subsection (1) of section 17 ; and

(*c*) the other shall be a person who, in the opinion of the Minister, is familiar with stock husbandry.

(4) Subject to this Act, the member nominated pursuant to paragraph (*c*) of subsection (3) shall hold office until the first day of January, nineteen hundred and forty, and the members nominated pursuant to paragraphs (*a*) and (*b*) of subsection (3) shall hold office until the first day of January, nineteen hundred and forty-one.

Repeal of principal Act, ss. 6 and 9.

3. Sections 6 and 9 of the principal Act are repealed.

Amendment of principal Act—

4. The principal Act is amended by inserting therein after Part III. the following Part :—

PART IIIa.

PERMITS TO TREAT ANIMALS FOR DISEASE AND INJURY.

Issue of permits. Cf. W.A. 46, 1923, s. 2.

28a. (1) The board in its discretion may issue a permit to treat animals for disease and injury to any person who proves to the satisfaction of the board that he has attained the age of twenty-one years and is of good fame and character and is competent to treat animals for disease and injury.

(2) Every such permit shall entitle the holder thereof to treat for reward animals for disease or injury within an area to be fixed by the board and specified in the permit.

Duration of permits and fees.

28b. (1) A permit shall continue in force until the thirty-first day of December next after the issue thereof but may in the discretion of the board be renewed by the board from time to time. Every such renewal shall continue in force until the thirty-first day of December next after the issue thereof.

(2) No permit or renewal thereof shall be issued until the applicant has paid to the registrar a fee of one guinea.

(3) If a permit has been issued to any person continuously for a period of five years, he shall, subject to subsection (2) of this section and to section 28d, be entitled to a renewal of the permit from year to year.

Form of permit and renewal.

28c. (1) A permit or renewal thereof shall be in the prescribed form.

(2) On application being made to him at any time and on payment of the prescribed fee, the registrar shall issue to the holder of a permit or a renewal thereof a duplicate permit in any case where the registrar is satisfied that the original thereof is lost or destroyed.

Cancellation or suspension of permit.

28d. (1) The board may cancel or suspend any permit or renewal thereof of any person who—

(*a*) the board is satisfied is not competent to treat animals for disease or injury; or

(*b*) the board is satisfied has committed any contravention of section 30a.

(2) The board may also cancel or suspend any permit or renewal in any circumstances in which the board may cancel or suspend the registration of any person registered under this Act.

(3) Section 25 shall, *mutatis mutandis*, apply to every permit or renewal thereof and to all proceedings relating to the cancellation or suspension thereof.

(4) There shall be an appeal in manner provided by section 20 from any decision of the board for the cancellation or suspension of any permit or renewal thereof. Except as provided by this subsection, section 20 shall not apply with respect to any permit or renewal thereof.

Register.

28e. (1) The registrar shall keep a register of persons to whom are issued permits under this Part and renewals thereof.

(2) Sections 26 and 27 shall, *mutatis mutandis*, apply to the said register.

Application of section 19.

28f. Subsections (3), (4) and (5) of section 19 shall, *mutatis mutandis*, apply to permits and renewals thereof and applications therefor.

Consequential amendments of principal Act—

5. (1) Section 3 of the principal Act is amended by inserting therein after the line commencing "Part III." the following line :—

PART IIIa.—PERMITS TO TREAT ANIMALS FOR DISEASE AND INJURY.

(2) The principal Act is amended by inserting therein after section 30 the following section :—

Holders of permits.

30a. (1) No person who is the holder of a permit under Part IIIa. or any renewal thereof shall in any advertisement, or on any nameplate, sign, or by means of any written or printed matter, advertise or hold himself out as a veterinary surgeon or a veterinary practitioner or as being entitled or qualified to practise veterinary surgery.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) Section 34 of the principal Act is amended by inserting after the word " surgeons " wherever occurring in paragraphs VI., VII., and VIII. thereof, the words " and persons holding permits under Part IIIa. and renewals thereof " and by inserting after the word " surgery " in paragraph VIII. thereof the words " or in the treatment of animals for disease or injury".

Amendment of principal Act—

6. The principal Act is amended by inserting therein after section 31 the following section :—

Exemptions from Act.

31a. (1) Notwithstanding anything contained in this Act, any person not registered under this Act may advertise or hold himself out as being qualified to perform the operation of castration, spaying, or dehorning on any animal, or the operation necessary to relieve animals suffering from bloat or hoven, or the tailing of lambs.

(2) Nothing in this Act shall be deemed to prohibit any unregistered person from treating any animals for disease or injury, provided no reward is received or fees are charged for such treatment.

Commencement of Act and transitional provisions.

7. (1) This Act shall come into operation on the first day of January, nineteen hundred and thirty-nine.

(2) Upon the said day the members of the board in office pursuant to the provisions of the principal Act shall cease to hold office. The members of the board required to be appointed pursuant to this Act may be appointed before the said day, but shall not enter into office until the said day.

(3) All proceedings pending before the board in office at the said day shall be continued before the board appointed pursuant to this Act.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

(2) Towards the expenditure so estimated every person in whose name a packing house is registered shall contribute to the board such sum as the board determines ; and such sum shall not exceed an amount equal to one-sixteenth of a penny for each pound of the total amount (as estimated by the board) of dried fruit which during the year for which the contribution is required has been or will be packed in the packing house registered in the name of that person.

(3) The board shall by post or personal service, give to every person liable to contribute under this section, a written notice of the amount payable by him and of the times when, and the instalments in which, that amount is to be paid. The amount shall be payable in accordance with the notice.

(4) If any such sum or any instalment thereof is not paid in full as and when it becomes payable the board or any person authorized by the board may recover the amount owing by summary proceedings or by action in any court of competent jurisdiction ; and in addition the person liable to pay any such sum or instalment shall be liable to a fine not exceeding fifty pounds.

(5) In this section "year" means period of twelve months ending on the twenty-eighth day of February.

Amendment of s. 23 of the principal Act—Registration of dealers.

5. (1) Subsection (3) of section 23 of the principal Act is amended by striking out the word "shall" in the second line thereof and inserting in lieu thereof the words "may, subject to this Act".

(2) Subsection (4) of section 23 of the principal Act is repealed and the following subsection is enacted in lieu thereof :—

(4) The grant or refusal of any application for registration as a dealer or for the renewal of any such registration, shall, subject to section 24a of this Act, be in the sole discretion of the board.

Amendment of s. 24 of the principal Act—Registration of packing houses.

6. (1) Subsection (1) of section 24 is amended by striking out all words therein commencing with the word "Penalty" in the sixth line.

(2) Subsection (3) of section 24 of the principal Act is repealed.

(3) The following subsection is enacted and inserted in section 24 of the principal Act after subsection (6) thereof :—

(6a) The grant or refusal of any application for the registration of a packing house or for the renewal or transfer of any such registration shall, subject to section 24a of this Act, be in the sole discretion of the board.

(4) The following subsection is enacted and inserted in section 24 of the principal Act after subsection (7) thereof :—

(7a) Where for a period of three years immediately before the passing of the Dried Fruits Act Amendment Act, 1938, a registered packing house has been used solely for the purpose of stemming, processing, grading, sorting or packing dried fruits grown by the owner, occupier, or person in charge of the packing house, the board may make it a condition of any renewal or transfer of the registration of that packing house granted after the passing of the Dried Fruits Act Amendment Act, 1938, that the packing house shall not thereafter be used except for the same purpose, and upon breach of any condition so imposed by the board the registration of the packing house shall become void.

Enactment of s. 24a of principal Act—

7. The following section is enacted and inserted in the principal Act after section 24 :—

Review of board's decision.

24a. (1) If the board refuses any application for—

(*a*) registration as a dealer or renewal of registration as a dealer ;

(*b*) the registration of a packing house or the renewal or transfer of the registration of a packing house,

the applicant may request the Minister to reconsider the application and the Minister shall reconsider the application accordingly and make a recommendation to the Governor as to the decision to be given thereon. The Governor shall thereupon decide the application.

(2) Any person aggrieved by a decision of the Governor under this section may within twenty-one days from the day when the Governor's decision was given, appeal therefrom to a board of appeal.

(3) Every such appeal shall be made in accordance with the regulations and notice thereof shall be served on such persons as are prescribed.

(4) For the purpose of hearing any appeal or group of appeals under this section the Governor shall appoint a board of appeal consisting of three persons. One of those persons shall be nominated by the appellant, one by the Minister, and the other shall be a special magistrate appointed by the Governor.

(5) The special magistrate appointed by the Governor shall be the chairman of the board of appeal. The chairman together with one member, shall constitute a quorum of the board of appeal. Any matter to be decided by the board of appeal shall be deemed to be decided by the board of appeal if, at any meeting thereof at which a quorum is present, any two members agree upon the decision made.

(6) The board of appeal shall decide every appeal in such manner as it deems just and expedient, having regard to the economics of the industry and to the interests of the persons engaged in the industry of producing, processing and selling dried fruits, and of the consumers of dried fruits, and may confirm, annul or vary the decision appealed against. The decision of the board of appeal shall be final and shall not be removed into any court by certiorari or otherwise or be questioned in any way in legal proceedings.

(7) The Governor may make regulations in relation to appeals under this section and may confer on boards of appeal such powers in relation to the hearing and determination of appeals as he deems proper and may impose penalties not exceeding fifty pounds for breach of any regulation.

Amendment of s. 33 of the principal Act—Regulations.

8. Subsection (1) of section 33 of the principal Act is amended by inserting therein after paragraph (*c*) the following paragraph :—

(*c*1) empowering any person authorized by the Minister to inspect, in any packing house or elsewhere, and for the purpose of the administration of the Irrigation Act, 1930-1936, or this Act, any accounts or records relating to dried fruits bought sold processed stored or delivered in the course of the business of any packing house, and to make copies of any such accounts or records.

Amendment of principal Act, s. 34—Penalty for offences.

9. Section 34 of the principal Act is amended by inserting at the end thereof the words " and in the case of a continuing offence an additional fine not exceeding ten pounds for every day on which the offence is continued ".

Amendment of s. 35 of the principal Act—Summary proceedings for offences.

10. (1) Section 35 of the principal Act is amended by striking out the words " twelve months " in the fourth line thereof and inserting in lieu thereof " two years ".

(2) The amendment made by this section shall apply in relation to offences whether committed before or after the passing of the Dried Fruits Amendment Act, 1938.

Repeal of s. 39 of principal Act—Operation of Act.

11. Section 39 of the principal Act is repealed.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

used in connection with the working of two or more separate parcels of land worked in conjunction with each other by that primary producer. Any such permit shall be subject to such conditions as the Registrar thinks proper. The Registrar shall not grant a permit for a tractor under this section, unless the tractor is equipped with pneumatic tyres or other tyres which, in the Registrar's opinion, will not cause undue damage to roads.

(2) Any such tractor or motor vehicle may be driven in accordance with the terms of a permit granted under this section without registration.

(3) If any tractor or motor vehicle for which a permit is in force under this section is driven on any road otherwise than in accordance with the terms and conditions of the permit the person driving the tractor or motor vehicle shall be guilty of an offence and liable to a penalty not exceeding twenty-five pounds.

Enactment of s. 8c of principal Act—

5. The following section is enacted and inserted in the principal Act after section 8b thereof :—

Certificates of Insurance.

8c. After the thirty-first day of March, nineteen hundred and thirty-nine, the Registrar shall not register any motor vehicle unless, when the application for registration is made, there is produced to him a certificate given by or on behalf of an approved insurer, certifying that a policy of insurance has been issued by that insurer in relation to the motor vehicle, and that the policy complies with Part IIA. of this Act, and will unless lawfully cancelled remain in operation throughout the period for which registration is applied for.

Amendment of s. 9 (7) of the principal Act—

6. Paragraph (7) of section 9 of the principal Act is amended by inserting at the end thereof the following passage :—

Vehicles used for military purposes.

The carriage of goods or passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, if those goods or passengers are carried in connection with military training or other military operations carried on by the Commonwealth, shall not be regarded as the carriage of goods or passengers within the meaning of subparagraph (*b*) of this paragraph.

Amendment of s. 9 (13) of the principal Act.

7. Paragraph (13) of section 9 of the principal Act is amended by inserting at the end thereof the following subparagraph :—

(*g*) any motor vehicle owned by a consular officer *de carriere* who is a national of the country which he represents and who resides in the State.

Enactment of paragraph (13a) of section 9 of the principal Act—

Fees for registration of ambulances.

8. (1) The following paragraph is enacted and inserted in section 9 of the principal Act after paragraph 13 thereof :—

(13A) Where the Treasurer is satisfied that any motor ambulance is operated by a municipal or district council, or by any society or association otherwise than for the purpose of monetary gain to the individual members thereof, he may, at his discretion, direct that that ambulance shall be registered without fee.

Where any such ambulance has been registered since the first day of March, nineteen hundred and thirty-eight, and the registration fee has been paid therefor the Treasurer may at his discretion refund the amount of that fee to the council, society, or association which paid it.

(2) Paragraph (13) of section 9 is amended by inserting at the end of subdivision (*a*) thereof the words "or any motor vehicle owned by a voluntary fire-fighting organization and used solely for the purposes of fire-fighting".

Amendment of s. 21 of the principal Act—

Refunds of registration fee.

9. (1) Subsection (2) of section 21 of the principal Act is amended by adding at the end thereof the following paragraph :—

(*d*) If the motor vehicle has been used by a person engaged in business as a seller of motor vehicles, for the purpose of demonstrating its qualities to prospective purchasers, but has ceased to be so used.

(2) The following subsection is inserted in section 21 of the principal Act after subsection (4) thereof :—

(4a) Where the registration of a vehicle used for the purpose of demonstration as mentioned in paragraph (*d*) of subsection (2) of this section is cancelled, and the owner of the vehicle applies forthwith after the cancellation for the registration of another vehicle which the Registrar is satisfied will be used for the said purpose of demonstration, the Registrar shall credit such amount in respect of the registration which has been cancelled, and make such charge for the registration of the other vehicle—

(*a*) that in respect of the month in which the application for registration is made the applicant shall pay one-twelfth of the annual registration fee for one vehicle only, plus the transfer fee of two shillings and sixpence :

(*b*) that if the fees for registration of the two vehicles are different the said payment shall be one-twelfth of the greater fee.

10. The following section is enacted and inserted in the principal Act after section 21 thereof :— Enactment of s. 21a of the principal Act—

21a. (1) Whenever the registration of a motor vehicle has become void before the expiration of the period for which it was granted, the Registrar or any person authorised by him or any member of the police force may remove from that vehicle the registration card relating to that registration and for the purpose of so doing may at any reasonable time enter and remain upon any place or premises. Destruction of registration card.

(2) Any person who hinders the Registrar or any person authorised by him or any member of the police force in the exercise of any power conferred by this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

11. Section 27 of the principal Act is amended as follows :— Amendment of s. 27 of the principal Act—

(*a*) Subsection (3) is repealed :

(*b*) Subsection (4) is amended by striking out the word " limited " in the first line thereof : General trader's plates.

(*c*) Subsection (6) is amended by striking out lines three to eight inclusive thereof and inserting in lieu thereof the following :—

For the issue or extension of operation of one pair of general trader's plates, eleven pounds eleven shillings.

For the issue or extension of operation of a second or any subsequent pair of general traders' plates, eight pounds eight shillings.

12. The following section is enacted and inserted in the principal Act after section 31 thereof :— Enactment of s. 31a of principal Act—

31a. (1) Where the Registrar is satisfied that owing to the age or any physical defect or infirmity of any applicant for a driver's licence it is desirable that any licence issued to that applicant should be subject to restrictive conditions, the Registrar may issue to that applicant a licence containing conditions as to the localities in which the applicant shall be entitled to drive, or the class or equipment of the vehicles which the applicant shall be entitled to drive or as to any other matters which the Registrar thinks necessary for the purpose of preventing danger to the applicant or the public. Restricted drivers' licences.

(2) In any case where the Registrar is satisfied that, by reason of the distance necessary to be travelled by an applicant for a driver's licence to be examined as provided by section 32a, it would be unreasonable to require the

applicant to submit to such an examination, he may, without examination as provided by section 32a, issue to the applicant a licence as provided by subsection (1) of this section.

(3) If any such applicant is not willing to accept a licence containing any such conditions proposed by the Registrar the Registrar may refuse him a licence and the refusal shall be subject to appeal as mentioned in section 32 of this Act.

(4) If any person contravenes any such condition he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Amendment of s. 32 of the principal Act—Tests of applicants for renewal of licences.

13. Section 32 of the principal Act is amended—

(*a*) by inserting after the words "applicant for" in the first line thereof the words "the issue or renewal of"; and

(*b*) by inserting after the word "grant" in the seventh line thereof the words "any application for the issue or renewal of".

Amendment of s. 32a of the principal Act—Examination of applicants for driver's licence.

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

Although a person may have answered correctly at least three-quarters of the questions asked in the examination, the Registrar may treat him as having failed if he has given an incorrect answer to any question dealing with any rule which in the Registrar's opinion is one of special importance.

Amendment of s. 40 of principal Act—Warning appliances.

15. Section 40 of the principal Act is amended by inserting after the word "road" in the first line thereof the following words "or who, being the owner, causes or permits any person to drive on any road".

Amendment of s. 42 of the principal Act—Yellow lights.

16. Section 42 of the principal Act is amended by inserting after the word "white" occurring in paragraph (*a*) of subsection (1) and in paragraph (*a*) of subsection (2) thereof, in each case the words "yellow or amber-coloured".

Amendment of s. 42 of the principal Act—Sidelights on vehicles more than six feet six inches wide.

17. Subsection (1A) of section 42 of the principal Act is amended—

(*a*) by striking out the word "seven" in the second line thereof and inserting in lieu thereof the word "six," and by inserting after the word "feet" in the same line the words "six inches".

(*b*) by inserting after the word "vehicle" in the eighth line thereof the words "clearly visible at a distance of at least two hundred yards from the front of the

vehicle, and a bright red light clearly visible at a distance of at least two hundred yards from the rear of the vehicle, or alternatively two lighted lamps showing respectively a green light and a red light complying with the foregoing provisions of this subsection".

Amendment of s. 42c of principal Act—Mirrors.

18. Section 42c of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Any person who drives or who, being the owner, causes or permits any person to drive on any road a motor vehicle which in any respect fails to comply with this section shall be guilty of an offence.

Amendment of s. 42a of principal Act—Brakes on motor vehicles.

19. (1) Subsection (9) of section 42a is amended by striking out in the fourth line thereof the word "retaining".

(2) The following subsection is enacted and inserted in section 42a after subsection (9) thereof:—

(9A) A three wheeled motor vehicle (not being a motor cycle with a sidecar attached) shall be equipped with two independent brakes, one of which shall be capable of stopping the vehicle within forty feet and the other a brake of reasonable efficiency.

(3) The following subsection is enacted and inserted in section 42a after subsection (12) thereof:—

(12A) The Governor may make regulations prescribing the standards or percentages of efficiency (as ascertained or measured by any brake-testing apparatus mentioned in the regulations) for brakes on motor vehicles of any class and if the brakes on any motor vehicle do not comply with any such regulation, that motor vehicle shall be deemed not to comply with this section.

Nothing in this subsection or in the regulations made under this subsection shall affect the obligation to comply with the other subsections of this section.

Re-enactment of s. 48 of principal Act—Driving whilst drunk or under the influence of drugs.

20. Section 48 of the principal Act is repealed and the following section is enacted and substituted therefor:—

48. (1) Any person who—

(*a*) drives a motor vehicle; or

(*b*) occupies the driver's seat and attempts to put a motor vehicle in motion,

whilst he is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle shall be guilty of an offence.

Penalty—For a first offence, a fine of not less than twenty pounds and not more than fifty pounds and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three months.

For a second offence, a fine of not less than fifty pounds and not more than one hundred pounds, or imprisonment for not less than two months and not more than six months, or both such fine and imprisonment, and in any case disqualification from holding and obtaining a driver's licence for such period as the court thinks fit but in no case less than six months.

For a third or any subsequent offence, imprisonment for not less than three months and not more than twelve months and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three years.

(2) Notwithstanding any other Act the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed by this section shall not be reduced or mitigated in any way except as follows :—

In the case of a first offence, the court, if it is satisfied by evidence given on oath that the offence is trifling, may order disqualification for a period less than three months or may refrain from ordering disqualification.

(3) The court by which any person is convicted under this section on the complaint of a member of the police force, may, in addition to ordering any other penalty, order on the application of the complainant that the defendant pay to the complainant a reasonable sum to cover the expenses of any of the following things :—

(*a*) Apprehending the defendant :

(*b*) Conveying him to any police station :

(*c*) Keeping him in custody until trial :

(*d*) Medically examining him.

Any amount received by the complainant under this section shall be paid by him into the general revenue of the State.

Amendment of s. 53 of the principal Act—Penalty for using motor vehicle without consent of the owner.

21. Subsection (1) of section 53 of the principal Act is amended by striking out therein all words after " offence " in the third line and inserting in lieu thereof the following :—

Penalty—For a first offence, imprisonment for not more than three months. For any subsequent offence, imprisonment for not more than twelve months.

22. Section 59 of the principal Act is repealed and the following section is enacted and substituted in lieu thereof :— Repeal and re-enactment of s. 59 of the principal Act—

59. (1)— Penalty on improper use of vehicles registered for reduced fee.

(*a*) If any commercial motor vehicle, for the registration of which a reduced registration fee has been paid as allowed by paragraph (7) of section 9 of this Act, is during the period of the registration used for the carriage of His Majesty's mails, goods, or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer ; or

(*b*) if any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph (8) or (9) of section 9 of this Act is during the period of the registration used for any purpose other than a purpose set out in the said paragraph (8) or (9) as the case may be ; or

(*c*) if any motor tractor for the registration of which a reduced registration fee has been paid as allowed by paragraph (10) of section 9 of this Act is during the period of the registration used for any purpose other than a purpose set out in the said paragraph (10),

and the balance of the full registration fee for the said period has not been paid before the vehicle is so used, then the person driving the vehicle and, if that person is employed by any other person to drive the vehicle, then the employer also shall be guilty of an offence.

(2) The carriage of goods and passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, shall not, if those goods or passengers are carried in connection with military training or other military operations carried on by the Commonwealth, be regarded as the carriage of goods or passengers within the meaning of paragraph (*a*) of subsection (1) of this section.

23. Section 61 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph :— Amendment of s. 61 of principal Act—

xv. Requiring motor vehicles to be provided with apparatus for deflecting, dipping, dimming, or otherwise adjusting the headlights thereof and for regulating the use of such apparatus. Regulations.

Enactment of s. 67e of the principal Act—

24. The following section is enacted and inserted in the principal Act after section 67d thereof:—

Suspension of orders of disqualification.

67e. (1) A person who by virtue of an order of a court under this Act is disqualified from holding and obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended—

(*a*) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;

(*b*) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but shall not have any effect until the defendant—

(*a*) has duly instituted the appeal and paid the appropriate court fees; and

(*b*) has served on the Registrar the order of suspension or a copy thereof, and a notice that the appeal has been duly instituted and the fees paid.

Amendment of s. 70c of principal Act—

25. (1) Section 70c of the principal Act is amended by striking out subparagraph (iii.) of subsection (2) thereof, and by inserting after subsection (2) the following subsection:—

Requirements in respect of policies.

(2a) Every policy which relates to a vehicle used for the carriage of passengers for hire by a person a substantial part of whose usual business is such carriage must indemnify the insured in respect of any claim based on the death of or bodily injury to any person who, as a passenger carried or about to be carried for hire, was being conveyed in or on or was entering or alighting from that vehicle. Except as mentioned in this subsection, it shall not be necessary to insure against any claim for death of or injury to any person driving or being conveyed in or on, or entering or alighting from any vehicle.

(2) Subsection (3) of section 70c of the principal Act is repealed.

Amendment of s. 70d of the principal Act—

26. (1) Subsection (1) of section 70d of the principal Act is amended by striking out the proviso thereto and inserting in lieu thereof the following:—

Liability of insurers.

Provided that before the action in which judgment was obtained against the insured person, came on for hearing, the insurer knew that that action had been commenced: Provided also that the right to recover under this subsection shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified or as to the persons in respect of whose death or injury the insured is indemnified.

(2) Subsection (6) of section 70d of the principal Act is amended—

(*a*) by striking out the words " fare-paying passenger as mentioned in paragraph (*b*) of this subsection " in the fifth and sixth lines of paragraph (*a*) thereof and inserting in lieu thereof the words " passenger carried or about to be carried for hire in a vehicle such as mentioned in subsection (2a) of section 70c of this Act " :

(*b*) by striking out the word " fare-paying " (twice occurring) in paragraph (*b*) thereof.

Amendment of s. 70d of principal Act—

27. Subsection (7) of section 70d of the principal Act is amended by inserting at the end thereof the following passage :—

Payment by Treasurer of certain judgments.

The Treasurer may out of the general revenue of the State and without any appropriation other than this Act pay the amount of any judgment obtained against a nominal defendant under this section and of the nominal defendant's costs ; and the approved insurers who are under this subsection liable for such judgment and costs shall upon demand made by the Treasurer repay to him their respective proportions of any amounts so paid by him.

Amendment of s. 70f of principal Act—

28. Section 70f of the principal Act is amended by inserting at the end thereof the following subsection :—

Admission made in proceedings conducted by insurers.

(3) Where, as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property, and claims are made in respect of the death or bodily injury and also in respect of the damage to property, and the person against whom claims are made is insured against his liability for death or bodily injury but not against his liability for damage to property, then nothing said or done in any negotiations for settlement of either of the claims, and no judgment given in any legal proceedings in respect of either of the claims, shall be evidence in any legal proceedings in respect of the other claim unless the negotiations or proceedings in respect of both claims are conducted or controlled by the person against whom the claims are made with the authority of the insurer, or by the insurer with the authority of the said person.

Amendment of s. 70g of the principal Act—

Payments for emergency treatment.

29. Section 70g of the principal Act is amended as follows :—

(*a*) Paragraph (*b*) of subsection (1) is struck out :

(*b*) After the word " insurer " in the third line of paragraph (*c*) of subsection (1) the words " who issued the policy of insurance in force under this Part in relation to the said motor vehicle " are inserted :

(*c*) Subsection (2) thereof is repealed and the following subsection enacted in lieu thereof :—

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles in respect of which policies were issued by different insurers each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section :

(*d*) Subsection (3) is amended by inserting after paragraph (*b*) thereof the following paragraph :—

(*c*) of the injured person or his personal representatives to the person to whom the payment is made under this section.

(*e*) The following subsections are enacted and inserted at the end of section 70g :—

(5) Every policy issued in pursuance of this Part of this Act which is in force at the time of the enactment of this subsection shall be deemed to impose an obligation on the insurer named therein to make the payments prescribed by this section.

Every policy of insurance issued after the enactment of this subsection shall not be deemed to comply with this Part unless it binds the insurer to make the payments prescribed by this section.

(6) A sum payable under this section shall be recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum.

(7) The Commissioner of Police shall if so requested by a person who alleges that he is entitled to a payment under this section furnish that person with any information at his disposal as to the identification marks of any motor vehicle which that person alleges to be a motor vehicle out of the use of which the death or bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose.

(8) Any person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use, shall upon request of any person who alleges that he is entitled to a payment under this section, furnish such person with the name and address of the insurer who issued the policy in force in relation to that vehicle at the time of the death or injury.

30. The following sections are enacted and inserted in Part IIA. of the principal Act after section 70o thereof:— Enactment of ss. 70p to 70s of principal Act—

70p. Any contract (whether under seal or not) by virtue of which any person in advance contracts out of any right to claim damages or any other remedy for the negligence of any other person in driving a motor vehicle shall to that extent be void. Contracting out of liability for negligence.

70q. Notwithstanding anything in any enactment, a person issuing a policy of insurance whether under this Part or otherwise in relation to a motor vehicle shall, as from the date of the policy, be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of these persons or classes of persons. Rights of persons named in policies.

70r. (1) Where any claim has been made by or on behalf of any person for bodily injury caused by or arising out of the use of a motor vehicle, such person shall from time to time if and as required by the person against whom the claim is made, submit himself for examination by a duly qualified medical practitioner provided and paid by the person against whom the claim is made: Provided that a person shall not be required to submit himself for examination under this section otherwise than in accordance with such regulations (if any) as may be made by the Governor nor at more frequent intervals than are prescribed by those regulations. Medical examination of claimants.

(2) If any person refuses to submit himself to any examination as required by this section, or in any way obstructs the examination his right to commence proceedings or (if commenced) to continue proceedings shall be suspended until the examination has taken place.

(3) A person shall not be entitled to any damages or compensation for any period during which he refuses to submit himself to or obstructs the examination or during which he has unreasonably delayed making a claim.

(4) Upon demand made by or on behalf of the person submitting himself to an examination under this section the person against whom the claim is made shall deliver to him a full and true copy of any report of the medical practitioner, and if default is made in such delivery for one week the report shall cease to be privileged from discovery.

70s. (1) No person shall directly or indirectly for personal gain— Soliciting instructions to persons claiming.

(*a*) solicit or hold himself out as being willing to accept instructions or authority to act on behalf of any other person in respect of the making or commencement of any claim or

action for damages for the death of or bodily injury to any person arising out of the use of a motor vehicle or in respect of the negotiation, compromise or settlement of such claim or action ; or

(*b*) on behalf of any other person make or commence or cause to be made or commenced any claim or action for such damages aforesaid, or negotiate settle or compromise any such claim or action when made or commenced.

(2) This section shall not apply to any solicitor or barrister who is carrying on his profession in the ordinary way nor to any officer of an association acting in the course of his duties for a member of such association.

(3) Any agreement to pay any money for work done or services rendered contrary to this section shall be void, and any money so paid shall be recoverable by the person who has paid it.

Amendment of heading to Part V.

31. The heading to Part V. of the principal Act is amended by inserting after the word "LIGHTS" the words "AND EQUIPMENT".

Enactment of ss. 112a–112c—

32. The following sections are enacted and inserted in the principal Act after section 112 thereof :—

Brakes on bicycles.

112a. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle is equipped with an efficient brake in proper working order.

Warning devices on bicycles.

112b. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle has attached thereto a bell or other suitable instrument capable of giving audible and sufficient warning of the approach of that bicycle or tricycle.

A siren shall not be a suitable instrument within the meaning of this section.

Duty to use warning instrument.

112c. Every rider of a bicycle or tricycle shall, whenever necessary, by sounding the warning instrument attached thereto, give audible and sufficient warning of the approach of the bicycle or tricycle.

Amendment of s. 122 of the principal Act—

33. Section 122 of the principal Act is amended by adding at the end thereof the following subsection :—

Railway crossings.

(3) Subsection (1) of this section shall not apply to any part of the State not comprised within a municipality or a district council district.

Amendment of s. 128 of the principal Act—

34. Section 128 of the principal Act is amended by inserting after subsection (1) thereof the following subsections :—

Pedestrians pushing vehicles, etc.

(1a) Subsection (1) of this section shall not apply to a person walking on the carriage-way of a road parallel with the line of traffic thereon if he is drawing or pushing any vehicle or leading any animal, but section 124 of this Act shall apply to any such person.

(1b) If any person riding or driving any vehicle or animal upon any road, does not, when passing any pedestrian who is proceeding towards him on the same side of the road, keep on his right hand side of that pedestrian, he shall be guilty of an offence.

Enactment of ss. 130a and 130b of principal Act—

35. The following sections are enacted and inserted in the principal Act after section 130 thereof :—

Stopping and slowing down at intersections and bridges.

130a. (1) The Commissioner of Police or any municipal or district council with the approval of the Commissioner of Police may erect or cause to be erected on the left hand side of any road at or near the place where the road joins or intersects any other road, or near the approach to any bridge, a sign containing in clearly legible letters or figures of the size prescribed by regulation—

(*a*) the word " Stop " ; or

(*b*) the words " Slow m.p.h.", indicating the number of miles per hour to which speed is to be reduced.

(2) Provided that the Commissioner shall not less than one month before the erection of any such sign publish in the *Government Gazette* a notice of his intention to erect such sign specifying the type of sign which he proposes to erect and the place where it is to be erected.

(3) Any person objecting to the erection of any such sign shall in writing set out to the Minister the grounds of his objection and the Minister may thereupon either prohibit or approve the erection, with or without modification, of such sign, and the Minister's decision shall be final.

(4) When any such sign containing the word " stop " is erected the rider or driver of a vehicle or animal in the street in which the sign is erected—

(*a*) shall before entering the junction or intersection at or near which the sign is erected, stop his vehicle or animal ; and

(*b*) shall not enter that junction or intersection until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the junction or intersection without danger.

(5) When any such sign requiring a reduction of speed is erected the rider or driver of any vehicle or animal in the street in which the sign is erected shall not—

(*a*) enter the junction or intersection at or near which the sign is erected until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the intersection or junction without danger; or

(*b*) drive or ride his vehicle or animal across any part of the junction or intersection at a speed exceeding that mentioned in the sign; or

(*c*) drive or ride his vehicle or animal across the bridge at the approach to which the sign is erected at a speed exceeding that mentioned in the sign.

(6) Section 131 of this Act shall not apply to any junction or intersection at or near which a sign is erected under this section.

(7) In this section—

"intersection" means the quadrilateral or other area comprised within straight lines joining the corners formed by the intersection of two or more roads:

"junction" means that part of a road which is comprised between the lines formed by the production of the alignments of another road which abuts on the first mentioned road.

(8) The Commissioner of Highways shall, at the request of the Commissioner of Police, provide and erect on behalf of the Commissioner of Police any signs which the Commissioner of Police desires to erect under this section.

The cost of all signs so erected shall be defrayed from the moneys appropriated by Parliament for main roads.

Stop signs at railway crossings.

130b. (1) The South Australian Railways Commissioner may on any road at or near any level crossing erect signs clearly visible to traffic approaching the crossing and containing in clearly legible letters of the size prescribed by regulation the word "stop".

(2) The rider or driver of any vehicle or animal approaching a level crossing at or near which any such sign is erected from the direction in which the sign is facing shall stop his vehicle at least ten yards away from the railway line, and if he fails to do so shall be guilty of an offence.

(3) In this section "level crossing" means a place at which a road and a railway cross each other at the same level.

Centre lines on roads.

130c. (1) The Commissioner of Highways may mark on any part of any road a double line running longitudinally along the road at or near the centre of the carriage way thereof.

(2) Every such line shall be of the colour and width prescribed by regulations.

(3) If any person drives or rides any vehicle or animal so that the whole or any part of that vehicle or animal is on his right hand side of any line marked on a road in accordance with this section he shall be guilty of an offence:

Provided that no person shall be punished for failing to comply with this section if the court is of the opinion that he was obliged to cross the line in order to avoid an accident, or owing to an obstruction on the roadway.

(4) The allegation in any complaint for an offence against this section that any line was marked on any road in accordance with this section shall be *prima facie* evidence of that fact.

Amendment of principal Act, s. 133—

36. (1) Subsection (3) of section 133 of the principal Act is amended by adding at the end thereof the following proviso :—

Speed past schools and playgrounds.

Provided that no person shall be convicted of an offence against this subsection unless the prosecution shows that on or near the road on which the defendant rode or drove a vehicle or animal as aforesaid there was a sign bearing in clear letters the word "school", "school playground" or "children's playground", as the case may be, and erected in such a position as to give reasonable warning to the defendant of the existence of the school or playground.

(2) Subsection (4) of section 133 of the principal Act is amended by adding at the end thereof the words " and ' school ' includes any church or other building used as a Sunday school, together with the land used in connection therewith ".

Amendment of principal Act, s. 134—

37. Section 134 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Signals.

(1A) No person shall be deemed to have signified his intention to turn to the right as required by subsection (1) of this section unless he has given the signal prescribed by that subsection continuously for a distance of one hundred feet before the point where his vehicle commences to turn.

Amendment of s. 139 of the principal Act—

38. Section 139 of the principal Act is amended as follows :—

Duty to stop and report accident.

(*a*) After the word " animal " in the third line of subsection (1) the words " or any other property real or personal " are inserted :

(*b*) At the end of subsection (4) the following additional proviso is inserted :—

Provided also that it shall be a defence to a charge of an offence under this section if it is shown that the only damage or injury resulting from the accident

was damage or injury to property owned by the defendant:

(*c*) At the end of the section the following subsection is added:—

(5) An apparently genuine document produced by the prosecution, purporting to be signed by the Commissioner of Police and to certify that any accident specified in the document (whether by reference to the approximate time and place thereof, or to the person or persons involved or otherwise so as to reasonably identify it) had not been reported at a police station or to a police constable prior to any date mentioned in the certificate shall be *prima facie* evidence of the matter so certified.

Amendment of s. 140 of the principal Act—

39. Section 140 of the principal Act is amended by inserting at the end thereof the following subsection:—

Information to identify driver.

(3) In this section the term "owner" shall include a bailee.

Amendment of s. 142 of the principal Act—

40. Section 142 of the principal Act is amended by adding at the end thereof the following subsection:—

Width of vehicles.

(8) For the purposes of this section any frame work fixed or placed on a motor vehicle shall be deemed to be the load or portion of the load of that motor vehicle.

Enactment of s. 143a of the principal Act—

41. The following section is enacted and inserted in the principal Act after section 143 thereof:—

Place where passengers must not be carried.

143a. No person shall on any road drive any motor vehicle carrying any person on the roof or bonnet thereof, or on the driver's seat on the right hand side of the driver.

Amendment of s. 147 of principal Act—

42. Section 147 is amended—

Bicycles ridden abreast.

(*a*) by inserting after the word "driven" in the first line the words "or ridden"; and

(*b*) by adding at the end of paragraph (*a*) of the proviso to subsection (1) thereof the words "at any place more than five miles from the General Post Office at Adelaide".

Amendment of s. 153 of principal Act—

43. Paragraph (*a*) of subsection (1) of section 153 of the principal Act is amended so as to read as follows:—

Closing roads for races.

(*a*) That any road or part of a road upon which any races or tests are to be held, and any other adjacent or adjoining road or part of any such road shall be closed to traffic on any day or days:

44. The following section is enacted and inserted in the principal Act after section 153 thereof:— Enactment of s. 153a of principal Act—

153a. If the Treasurer is satisfied that any vehicle is intended to be ridden or driven on roads solely for the purpose of taking part in a street procession or other like entertainment, he may in writing exempt the owner and driver of that vehicle from the obligation to comply with any specified provisions of this Act on any day or days. Vehicles taking part in processions.

45. Section 154 of the principal Act is amended by inserting at the end thereof the following subsections:— Amendment of s. 154 of principal Act—

(3) Any certificate granted under this section may contain a condition prescribing the maximum number of passengers which may lawfully be carried upon the vehicle to which the certificate relates. Vehicles used for carrying passengers for hire.

Any person who drives any vehicle carrying more than the maximum number of passengers prescribed in a certificate relating to such vehicle shall be guilty of an offence.

(4) An apparently genuine document produced by the prosecution and purporting to be signed by the Registrar of Motor Vehicles and to certify that any vehicle specified in the certificate has not during any period specified in the certificate been inspected and certified to be safe for the carriage of passengers as required by this section shall be *prima facie* evidence of the fact so certified.

(5) It shall lie on the defendant to prove that any vehicle in respect of which a complaint has been laid under this section was driven pursuant to a licence under the Road and Railway Transport Act, 1930, or under any by-law of a local governing authority.

(6) The Governor may make any regulations necessary or convenient for the due administration and enforcement of this section and may by regulations impose penalties recoverable summarily and not exceeding ten pounds for breach of any such regulation.

46. Section 157 of the principal Act is amended by adding at the end thereof the following subsections, the previous part of section 157 being read as subsection (1) thereof:— Amendment of s. 157 of the principal Act—

(2) In any complaint for an offence against this Act or against any regulation under this Act allegations as to all or any of the following matters— Evidentiary provision.

(*a*) that any sign was lawfully placed on or near any road, or that any such sign was for any purpose specified in the complaint:

(*b*) that any sign on a road was erected under or complied with any specified statutory provision:

(*c*) that any sign on a road contained any specified words:

(*d*) that any specified place was or was not on any specified date an authorised crossing place on any line of railway,

shall be *prima facie* evidence of the matters so alleged.

(3) An apparently genuine document produced by the prosecution and purporting to be signed by the Commissioner of Police or the Superintendent or any Inspector of Police and to certify that any stop watch or speedometer specified therein had been tested and found correct on any date specified therein shall be *prima facie* evidence that that stop watch or speedometer was correct on each of the fourteen days following that date.

Repeal of s. 160 of principal Act.

47. Section 160 of the principal Act is repealed.

Amendment of s. 167 of the principal Act—Stopping vehicles on bridges.

48. Section 167 of the principal Act is amended by striking out the word "main" in the second line of subsection (1) thereof, and by inserting after the word "accident" occurring in the third and the seventh lines thereof in each case the words "or the purpose of enabling any person to enter or alight from the vehicle".

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2417.

An Act to amend the Lottery and Gaming Act, 1936-1938.

[*Assented to 15th December,* 1938.]

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 alone as the " Lottery and Gaming Act Amendment Act (No. 2), 1938 ", and shall come into force on a date to be fixed by proclamation.

(2) The Lottery and Gaming Act, 1936-1938, as amended by this Act, may be cited as the " Lottery and Gaming Act, 1936-1938 ".

(3) The Lottery and Gaming Act, 1936-1938, is hereinafter called " the principal Act ".

Amendment of s. 4 of principal Act— Interpretation.

2. Section 4 of the principal Act is amended by inserting therein before the definition of " court " the following definitions :—

" board " means the Betting Control Board :

" chairman " means the chairman of the board.

Amendment of principal Act, s. 19— Totalizator days.

3. Section 19 of the principal Act is amended by striking out the word " fourteen " in paragraph (*a*) thereof and by inserting in lieu thereof the word " fifteen ".

Amendment of principal Act— Charity trotting meetings.

4. Section 21 of the principal Act is amended by adding at the end of subsection (2) thereof the following words :—

The Commissioner of Police, if satisfied that the net proceeds of any trotting meeting will be devoted to charitable purposes, may, upon application made to him

for the purpose and subject to the approval of the Chief Secretary, issue an additional licence for the use of the totalizator at such trotting meeting: Provided that licences additional to the number before mentioned in this section shall not be issued for more than two nights in the metropolitan area nor more than five days or nights outside the metropolitan area and, in the case of licences outside the metropolitan area, shall not be issued for more than one day or night for any trotting club.

Enactment of section 22a of principal Act—

5. The following section is enacted and inserted in the principal Act after section 22 thereof :—

Constitution of South Australian Trotting League.

22a. (1) Notwithstanding any law, or any rule, regulation, or by-law of the South Australian Trotting League Incorporated (in this section called " the League "), the League shall be constituted in accordance with this section.

(2) On the thirty-first day of December, nineteen hundred and thirty-eight, all members of the League then in office shall retire and thereafter the League shall consist of one delegate from each trotting club affiliated with the League.

(3) During the month of December, nineteen hundred and thirty-eight, and in the month of December in each year thereafter each trotting club affiliated with the League shall nominate a delegate to the League by writing delivered to the secretary of the League.

If any trotting club fails to nominate a delegate the board may nominate one on its behalf. Every delegate so nominated shall be a member of the League as from the first day of January next following his nomination.

(4) The members of the League shall elect one of their number to be chairman of the League. If the chairman is not present at any meeting of the League at which a quorum is present the members of the League present at that meeting shall elect an acting chairman for the day. The chairman or acting chairman shall have a deliberative vote and if the vote on any question is equal the chairman or acting chairman shall also have a casting vote.

(5) A majority of the members of the League shall form a quorum thereof. At every meeting of the League every matter coming up for decision shall be decided by a majority of the votes cast by the members present.

(6) No proceeding of the League shall be invalid by reason only of a vacancy in the office of any member or any defect or irregularity in the nomination of any member.

(7) The League shall not delegate its powers to any subcommittee or other body, but this subsection shall not prevent the League from employing officers and servants to assist it in carrying out its functions.

(8) Any affiliated club which is aggrieved by any decision of the League affecting such club may appeal to the board against that decision.

The appeal shall be commenced by written notice given to the board not later than two months after the decision appealed against was given.

The board shall decide the matter of every appeal in such manner as it deems just and its decision thereon shall be final.

Amendment of s. 32 of principal Act—Interpretation.

6. Section 32 of the principal Act is amended—

(*a*) by striking out the definition of "board":

(*b*) by adding at the end of the definition of "coursing meeting" therein the following words:—"but does not include any kind of speed coursing or dog racing".

Amendment of principal Act—

7. The principal Act is amended by inserting therein after section 32 thereof the following section:—

Power to make proclamation.

32a. (1) The Governor may from time to time by proclamation declare any racing club to be a country racing club or a metropolitan racing club and may revoke any such proclamation.

(2) The Governor may from time to time by proclamation declare that any racing club described by section 32 as a country racing club or a metropolitan racing club shall cease to be a country racing club or metropolitan racing club, as the case may be.

(3) If at any time the Governor is satisfied that any country racing club or metropolitan racing club has not held a race meeting during a period of at least two years (whether the said period occurs before or after or partly before or after the commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938), and that the failure to hold a race meeting was without reasonable cause, the Governor shall by proclamation declare that the racing club shall cease to be a country racing club, or a metropolitan racing club, as the case may be.

Amendment of s. 33 of principal Act—Legalizing of betting with bookmakers.

8. Section 33 of the principal Act is amended by inserting before the word "place" in the fifth line of subdivision (*b*) of subsection (3) thereof the word "such".

Repeal of s. 34 of principal Act, and enactment of new s. 34—

Betting Control Board.

9. Section 34 of the principal Act is repealed and the following section is substituted therefor:—

34. (1) For the purpose of this Part there shall be constituted a board to be known as the Betting Control Board.

(2) The board is charged in the performance of its duties and exercise of its powers hereunder with the duty of controlling betting in such a manner as is reasonably consistent with the welfare of the public generally and the interests of persons and bodies liable to be affected thereby.

(3) Upon the passing of the Lottery and Gaming Act Amendment Act (No. 2), 1938, all the present members of the Betting Control Board shall retire, and thenceforth the board shall consist of three members only.

(4) The Governor may without nomination fill the three vacancies on the board created by the operation of subsection (3) hereof by appointing thereto a chairman and two members.

(5) At the end of the third year of office one of the three members of the board provided for by this section, to be determined by lot, shall retire, and at the end of the fourth year of service on the board one of the two other original members of the board, to be determined by lot, shall retire. At the end of the fifth year the third original member shall retire. Thereafter every member of the board shall retire after he has held office for a term of three years from his appointment or re-appointment. A member appointed to fill any casual vacancy shall retire at the time that the member in whose place he has been appointed would have retired. Each retiring member shall be eligible for re-appointment.

(6) Neither the chairman nor any member of the board, nor any officer or servant of the board shall, as such, be subject to the Public Service Act, 1936-1938.

(7) Two members of the board shall form a quorum thereof.

(8) The board shall be a body corporate with perpetual succession and a common seal, and with power to hold real and personal property of all kinds.

(9) No act or decision of the board shall be invalid or defective on the ground that when such act was done or decision made a vacancy existed on the board, or on the ground of any defect in the appointment or nomination of any member of the board.

(10) Each of the present members of the Betting Control Board at the passing of the Lottery and Gaming Act Amendment Act (No. 2), 1938, who is not immediately after the said passing appointed as chairman or member of the board as constituted by this section shall be paid as compensation for loss of office such sum as the Governor in each case thinks fit.

Amendment of principal Act—

10. The principal Act is amended by inserting therein after section 36 thereof the following section :—

Exemption of board from stamp duties.

36a. Notwithstanding the provisions of any law relating to stamp duties, no stamp duty shall be payable upon any receipt given or cheque drawn by the board.

Amendment of s. 37 of principal Act—

11. Section 37 of the principal Act is amended—

Additional matters for which board may make rules.

(*a*) by inserting in paragraph (*h*) after the words " and records " the words " and to make the same available for the board's inspection from time to time " ; and after the word " weekly " the words " annual or other " ; and

(*b*) by adding at the end thereof the following additional subdivisions :—

(*l*) the issue, renewal and transfer of bookmakers' licences :

(*m*) appeals to the board under this Act and the procedure thereon.

Amendment of s. 38 of principal Act—

12. Section 38 of the principal Act is amended by striking out the words " one year from its date " in the second and third lines of subsection (3) thereof and substituting therefor the words " the period between the day whereon it was granted and the next succeeding thirty-first day of July ".

Applications and effect of licences.

Amendment of s. 40 of principal Act—

13. Section 40 of the principal Act is amended by striking out subsection (1) thereof and by inserting in lieu thereof the following subsection :—

Payment of commission on bets and returns.

(1) Every bookmaker shall, not later than noon on Saturday in every week, pay to the board—

(*a*) a sum by way of commission equal to one pound per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of—

(i.) every bet made by him during the previous week on any racecourse in respect of any horse-race whether held within or outside the State ; and

(ii.) every bet made by him during the previous week in respect of any trotting or coursing event;

(*b*) a sum by way of commission equal to two pounds per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of every bet made by him during the previous week in any registered premises in respect of any horse-race whether held within or outside the State.

Amendment of s. 41 of principal Act—

14. Section 41 of the principal Act is amended so as to read as follows:—

Application of commission.

41. (1) The board shall keep full and true accounts of all moneys received by it as commission under section 40, and shall pay all moneys into an account in a bank in the name of the board.

(2) The commission shall be applied as follows:—

(*a*) The costs of the administration of this Part (to the extent that they are not paid out of fees payable on application for licences) shall be paid:

(*b*) An amount equal to the commission on all bets made on races held outside the State shall be paid to the Treasurer in aid of the general revenue:

(*c*) Thirty-five per centum of the commission on all bets made in registered premises on horse races held within the State (less such costs of administration as are provided to be paid by paragraph (*a*) of this subsection) shall be paid to the Treasurer in aid of the general revenue:

(*d*) Sixty-five per centum of the commission on all bets made in registered premises on horse races held within the State shall be divided among the racing clubs in proportion to the amounts of the bets made on horse races conducted by each club during the period in respect of which the commission is payable:

(*e*) The commission on all bets made on any racecourse on horse races held within the State shall be divided among the racing clubs in proportion to the amounts of the bets made on horse races conducted by each club during the period in respect of which the commission is payable:

(*f*) The commission on all bets made on trotting races shall be divided amongst the trotting clubs in proportion to the amounts of the bets made on trotting races held by each club during the period in respect of which the commission is payable:

(*g*) The commission on all bets made on coursing events shall be divided among the coursing clubs in proportion to the amounts of the bets made on coursing events held by each club during the period in respect of which the commission is payable.

(3) Payments under this section to the Treasurer and the racing clubs, trotting clubs, and coursing clubs shall be made monthly.

Amendment of s. 42 of principal Act—Betting information in registered premises.

15. Section 42 of the principal Act is amended by adding at the end thereof the following subsection:—

(7) On any day on which a race meeting is being held at Victoria Park Racecourse, Morphettville Racecourse or Cheltenham Park Racecourse no licensed bookmaker or any employee or agent of any licensed bookmaker shall, in any premises registered under this Part which are situate within a radius of twenty miles from the General Post Office, Adelaide, exhibit or otherwise make known, prior to the commencement of any horse race held at any race meeting, whether within or outside the State, any information relating to betting odds in any such race other than the contents of one reading of betting odds supplied to him by a press agency authorized by the board to supply such reading.

Penalty: Fifty pounds.

This subsection shall not apply to any race meeting held at any of the said race-courses where at the request of the racing club holding the race meeting, the board otherwise directs."

Enactment of s. 42a of principal Act—Unlawful betting.

16. The following section is inserted after section 42 of the principal Act:—

42a. (1) Any person who—

(*a*) carries on business as a bookmaker; or

(*b*) bets with a bookmaker on the result of any horse racing, trotting, or coursing event,

at any time, or at any place, except in accordance with this Part, shall be guilty of an offence.

Penalty: For a first offence, one hundred pounds. For a subsequent offence, imprisonment for not more than three months.

(2) For the purposes of this section "bookmaker" includes any person who acts as a bookmaker whether he holds a licence or not.

Amendment of s. 44 of principal Act—Stamp duty on betting tickets.

17. Section 44 of the principal Act is amended by striking out subsection (1) thereof and by inserting in lieu thereof the following subsection :—

(1) There shall be charged on every betting ticket issued by a bookmaker under this Part a stamp duty of one halfpenny.

Amendment of principal Act—Tax upon winning bets made in registered premises.

18. The principal Act is amended by inserting therein after section 44 the following section :—

44a. (1) Subject as hereinafter provided, there shall be charged upon every payment to any person made by a licensed bookmaker in respect of any bet made with him by such person in any premises registered under this Part a tax equal to threepence in the pound of the amount of the payment : Provided that this subsection shall not apply—

(*a*) where the payment to be made in respect of the bet is less than five shillings ; or

(*b*) to any refund of a bet which is refunded in accordance with any rule made by the board ; or

(*c*) to any payment in respect of a bet made by a licensed bookmaker with any licensed bookmaker under any scheme or arrangement authorized by the rules of the board for the laying-off of bets by bookmakers.

(2) If any bet is made upon credit by a licensed bookmaker in any licensed premises and any payment is made by the bookmaker in respect of that bet, the payment shall, for the purposes of estimating the tax payable under this section, be deemed to be the amount of the winnings plus the amount of the bet.

(3) If any bet is made by a licensed bookmaker in any licensed premises and the bookmaker, instead of making a payment in respect of the bet, sets off the amount which would otherwise be payable against any amount owing to the bookmaker or credits such amount to any person, the amount which otherwise would be payable (calculated as provided by subsection (2)) shall for the purposes of estimating the tax payable under this section be deemed to be a payment made by the bookmaker at the time of the set-off or credit.

(4) For the purposes of the preceding subsections of this section if any payment or amount deemed to be a payment is less than one pound or any

part thereof is less than one pound, the payment or part, as the case may be, shall for the purposes of estimating the tax payable be regarded as one pound.

(5) Every bookmaker shall deduct from every payment upon which tax is payable as provided by this section, the amount of the tax and shall, not later than noon on Saturday in every week, pay to the board a sum equal to the amount of the deduction which during the previous week, he is bound under this section to make.

(6) If any bookmaker—

(*a*) fails to make any such deduction as required by this section ; or

(*b*) fails to make any such payment to the board as required by this section,

he shall be guilty of an offence.

Penalty : For a first offence, fifty pounds.

For a subsequent offence, imprisonment for six months.

(7) The board shall keep full and true accounts of all moneys received by it pursuant to this section and shall pay all such moneys into an account in the name of the board in a bank.

(8) The moneys received under this section shall be applied as follows :—

(*a*) An amount of eighteen thousand pounds shall in every financial year be distributed as follows—

Fifty per centum thereof shall be divided equally among the South Australian Jockey Club, the Adelaide Racing Club Limited, and the Port Adelaide Racing Club Limited :

Eighteen per centum thereof shall be divided equally between the Gawler Jockey Club Limited, and the Onkaparinga Racing Club :

Three per centum thereof shall be paid to the South Australian Tattersalls Club Incorporated :

Twenty-nine per centum thereof shall be divided equally among the country racing clubs :

(*b*) The balance then remaining shall be paid to the Treasurer in aid of the general revenue.

(9) Payments to the Treasurer and the racing clubs under this section shall be made monthly.

Enactment of s. 48a of principal Act—

19. The following section is enacted and inserted in the principal Act after section 48 thereof :—

Unclaimed money.

48a. Where any money which, under this Part or the rules is payable by the board to any person, has been held by the board for twelve months after that person first became entitled thereto, and during that period no claim has been made to that money by the person entitled thereto, the board shall pay that money to the Treasurer in aid of the general revenue of the State.

This section shall apply to money received by the board whether before or after the enactment of this section.

Amendment of s. 58 of principal Act—

20. Section 58 of the principal Act is amended—

Totalizator agents.

(*a*) by adding after the words " or otherwise " at the end of paragraph (*a*) the words " or with a bookmaker " ; and

(*b*) by adding after the words " pounds " the words " for a first offence, and for a subsequent offence imprisonment for not more than three months ".

Enactment of s. 58a—

21. The following section is enacted and inserted after section 58 of the principal Act :—

Proof of offence.

58a. In any proceedings for an offence under section 57 or 58 the proof of the receipt by any person of any money for the purpose alleged in the complaint shall be *prima facie* evidence that it was invited or solicited by the recipient, and that it was received by him for fee, commission, reward, share, or interest, as the case may be

Enactment of s. 67a of principal Act—

22. The following section is enacted and inserted in the principal Act after section 67 thereof :—

Prohibition of broadcasting certain betting particulars.

67a. If any race meeting, trotting meeting, or coursing meeting is held in the State no person shall at any time, prior to or during the time the race meeting, trotting meeting, or coursing meeting is being held, by means of any wireless broadcast, broadcast any information relating to the betting on any horse or dog taking part in any horse race, trotting race, or coursing event to be held or held at such meeting.

Penalty : Fifty pounds.

Amendment of s. 88 of principal Act—

23. Section 88 of the principal Act is amended by substituting for the words " Seventy-five pounds " in the last line thereof the words " For a first offence seventy-five pounds, and for a second or subsequent offence imprisonment for not more than six months ".

Penalty for obstructing police officer.

24. The following section is enacted and inserted in the principal Act after section 88 thereof :— Enactment of s. 88a of principal Act—

88a. Any person who is in or near to any place whether a public place or not for the purpose of giving any warning to any person of the presence or approach of any member of the police force or for the purpose of preventing the detection of any offence against this Act shall be guilty of an offence. Certain Offences.

Penalty : For a first offence, seventy-five pounds, and for a second or subsequent offence imprisonment for not more than six months.

25. Section 90 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :— Amendment of s. 90 of principal Act—

(4) It shall not be necessary to prove that the occupier knew that the premises were kept or used for any of the purposes aforesaid, but such person shall not be convicted if he proves that he did not know and could not by the exercise of all reasonable diligence have known that the premises were being so kept or used. Proof of knowledge.

26. Section 94 of the principal Act is amended by inserting after the word "advertisement" in the third line thereof the words "or shall make or cause to be made any announcement by means of any wireless broadcast". Amendment of principal Act, s. 94.

27. The following section is enacted and inserted in the principal Act after section 108 thereof :— Enactment of s. 108a of principal Act—

108a. If it is proved on the hearing of any complaint for unlawful gaming that on the premises where it is charged that such unlawful gaming has taken place there is installed a telephone instrument the number of which does not appear in the current telephone directory, such proof shall be *prima facie* evidence of the truth of such charge. "Silent" telephone evidence of unlawful gaming.

28. The principal Act is amended by adding at the end thereof the following section :— Amendment of principal Act—

118. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected. Construction Act.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2419.

An Act to amend the Fisheries Act, 1917-1938.

[*Assented to 15th December,* 1938.]

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 " Fisheries Act Amendment Act (No. 2), 1938 ".

(2) The Fisheries Act, 1917-1938 (which is in the succeeding sections of this Act referred to as " the principal Act "), as amended by and together with this Act, may be cited as the " Fisheries Act, 1917-1938 ".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 48 thereof the following section :—

Licences for canning of tunny.

48a. (1) The Minister, upon such conditions and for such term as he thinks fit, may issue licences for—

(*a*) the canning of tuna and tunny-like fish :

(*b*) the manufacture of fish-meal and fish-oil from tuna and tunny-like fish :

(*c*) sharp freezing or otherwise preserving tuna and tunny-like fish.

(2) The Minister may, in respect of any part of the State, issue to any person an exclusive licence under this section for all or any of the purposes mentioned in subsection (1), and whilst any such licence is current no other licence for any of the purposes included in the exclusive licence shall be issued under this section in respect of the said part of the State.

Every such exclusive licence shall—

(*a*) define the part of the State to which it applies :

(*b*) require that the person to whom it is issued shall expend the amount or amounts fixed by the licence in the establishment and development of the industry and shall contain a condition that, failing such expenditure, the licence may be revoked by the Minister :

(*c*) be for a period of not more than ten years :

(*d*) be issued upon such other conditions as are fixed by the Minister.

(3) If any exclusive licence is granted as aforesaid and the holder thereof satisfies the Minister that markets would not be available for the holders of any additional licences which may be issued under this section in respect of the part of the State to which the exclusive licence applies, the Minister may, upon the expiry of the exclusive licence, issue a further exclusive licence for a period of not more than ten years to the holder of the expired exclusive licence.

(4) If any person not licensed under this section carries on the business of—

(*a*) canning tuna or tunny-like fish ; or

(*b*) manufacturing fish-meal or fish-oil from tuna or tunny-like fish ; or

(*c*) sharp freezing or otherwise preserving tuna or tunny-like fish,

he shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which he carries on business as aforesaid.

Amendment of principal Act, s. 59—

3. Section 59 of the principal Act is amended by inserting therein after paragraph (*c*5) thereof the following paragraph :—

Regulations.

(*c*6) regulating the granting of licences under section 48a and prescribing the terms and conditions of such licences :

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2420.

An Act to provide for the licensing of business agents and for other purposes.

[*Assented to* 15*th December,* 1938.]

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 and commencement.

1. This Act may be cited as the "Business Agents Act, 1938," and shall come into force on a day to be fixed by proclamation.

Interpretation. Vic. 3897, 1930, s. 2. N.S.W. 7, 1935, s. 2.

2. In this Act unless the context otherwise provides or some other meaning is clearly intended—

"business" means any hotel business, boarding-house business, storekeeper's business, manufacturing business, or any trading business whatsoever, and any share of or interest in any such business or in the goodwill of any such business but does not include any share in the capital of any incorporated company:

"business agent" means a person who carries on either as his sole business or as part of his business any of the following functions, namely:—

(*a*) selling, buying, exchanging, or otherwise dealing with or disposing of; or

(*b*) negotiating for the sale, purchase, exchange, or other dealing with or disposition of,

any businesses, on behalf of other persons for or in consideration of any remuneration, whether monetary or otherwise.

"business agent's licence" means a business agent's licence for the time being in force under this Act:

"licence" means a business agent's licence:

"licensed auctioneer" means a person holding a licence under the Auctioneers Act, 1934:

"licensed business agent" means the holder of a business agent's licence and includes a corporation by which or on behalf of which such a licence is held:

"person" includes company:

"registered office" means the office of a licensed business agent which is for the time being entered in the register of licences as the registered office of such business agent.

Application of Act to the Crown and public authorities.

Vic. 3897, 1930, s. 3 (1). N.S.W. 7, 1935, s. 3 (1).

3. This Act shall not require—

(*a*) any Minister of the Crown; or

(*b*) the Public Trustee or any employee in any Government Department; or

(*c*) any municipal or district council; or

(*d*) any public statutory authority specified by proclamation; or

(*e*) any officer or employee of the Crown, or of any such Minister, Department, council, or authority in the exercise of his functions as such officer or employee,

to hold a licence under this Act for the purpose only of performing or exercising any of the functions, powers or duties imposed by law on such person or body.

Exemption of trustees and auctioneers.

Vic. 3897, 1930, s. 3 (2). N.S.W. 7, 1935, s. 3 (2).

4. This Act shall not require—

(*a*) any executor, administrator, trustee, liquidator, official receiver, trustee or assignee of a bankrupt or an insolvent, committee of a lunatic, curator or receiver, to hold a licence for the purpose only of performing his functions, exercising his powers, or carrying out his duties as such; or

(*b*) any licensed auctioneer to hold a licence; or

(*c*) any barrister, solicitor, proctor or attorney for the time being entitled to practice, to hold a licence for the purpose only of doing anything which if this Act had not passed he might lawfully have done as a barrister, solicitor, proctor or attorney:

(*d*) any wholesale merchant to hold a licence for the purpose only of acting as agent in connection with the sale of any retail business or businesses in which commodities supplied wholesale by the merchant are sold by retail.

Power to exempt.
Vic. 3897, 1930, s. 3 (4).
N.S.W. 7, 1935, s. 3 (4).

5. The Governor may by proclamation exempt to the extent specified therein any class of persons from the operation of this Act or of any specified provisions thereof.

Act not to affect obligation to take out licence.
Vic. 3897, 1930, s. 3 (5).
N.S.W. 7, 1935, s. 3 (5).

6. Nothing in this Act shall relieve any person from the obligation to take out a licence for the performance of any function, the exercise of any power, or the carrying out of any duty, for which a licence would have been required if this Act had not been passed, and to pay the fees payable in respect of any such licence.

Duty to Obtain Licence.

No person to act as a business agent without a licence.
Vic. 3899, 1930, s. 4.
N.S.W. 7, 1935, s. 3 (5).

7. (1) Subject to this Act, after the expiration of three months after the coming into operation of this Act no person shall for, or in expectation of any remuneration whatsoever, whether monetary or otherwise—

(*a*) on behalf of any other person sell, buy, exchange, or otherwise deal with or dispose of any business:

(*b*) on behalf of any other person negotiate for the sale, purchase, exchange, or other dealing with or disposition of any business,

unless he is the holder of a business agent's licence.

(2) No person shall hold himself out as being a business agent, or as willing to act as a business agent or to perform any of the functions of a business agent unless he is the holder of a business agent's licence.

(3) If any person contravenes this section he shall be guilty of an offence and liable to a fine of not less than five pounds and not more than two hundred pounds, or to imprisonment for not more than twelve months.

Unlicensed business agent not to recover fee.

Vic., 3879, 1930, s. 19. N.S.W. 7, 1935, s. 38.

8. No person shall be entitled to bring any proceedings in any court to recover any commission, fee, gain or reward for any work or service done or performed by him as a business agent unless he was the holder of a business agent's licence at the time of doing or performing such work or service.

Applications for Licences.

Applications.

S.A. 1723, 1925, s. 5. Vic. 3897, 1930, s. 6. N.S.W. 7, 1935, s. 7.

9. (1) Every application for a licence shall be made to the local court of full jurisdiction nearest by the most convenient route to the sole or principal place of business of the applicant, and shall be instituted by a notice of application filed in the court.

(2) Every applicant shall, at the time of filing the notice of application, file in the court a fidelity bond complying with this Act, or a certificate issued by the Treasurer certifying that the applicant has deposited security as required by this Act.

(3) Every application shall be instituted by filing in the court a notice in the prescribed form and, subject to this Act, shall be made and proceeded with, and dealt with, in accordance with the practice and procedure prescribed by regulation.

Advertisement of applications.

10. (1) As early as reasonably practicable after filing his notice of application, an applicant shall publish an advertisement in the prescribed form of his intended application for a licence, in some newspaper to be approved for the purpose by the clerk of the local court in which the notice of the application is filed ; and the application for the licence shall not be heard before the expiry of one month after the publication of such advertisement.

(2) The clerk of the local court in which a notice of application is filed shall forthwith after the filing thereof send particulars of the application to the Commissioner of Police.

Objections.

S.A. 1723, 1925, s. 9 (2), (3).

11. (1) Within twenty-one days after the publication of the advertisement of the intended application, pursuant to the last preceding section, any person may file in the local court in which the application is filed, a notice in the prescribed form of his objection to the application and of the grounds of the objection.

(2) No such objection shall be considered except so far as the grounds thereof affect the character or financial position of the applicant, or the character of any person employed by the applicant in his business as a business agent, or, in the case of an application by a company, the financial position of the company, or the character of the directors or of the general manager or of any other persons employed by the company in its business as a business agent.

12. Every application for a licence and any objections thereto shall be heard by a special magistrate exercising jurisdiction in the local court in which the application is duly filed. Hearing of application. S.A. 1723, 1925, s. 10.

13. (1) Subject to subsection (3) of this section, before granting an application for a licence, the local court shall be satisfied that the character and financial position of the applicant are such that he is, in the opinion of the court, having regard to the interests of the public, a fit and proper person to carry on business as a business agent. Evidence as to character and financial position. S.A. 1723, 1925, s. 11.

(2) Where the application for a licence is made by a company the court shall be satisfied that the financial position of the company, and the character of the directors and general manager thereof are such that, having regard to the interests of the public, the company is a fit and proper company to carry on business as a business agent.

(3) Where an applicant holds a licence under this Act, or a land agent's licence, at the time when the notice of his application is filed, or has previously held such a licence, and no notice of objection to the grant of the licence has been filed, the court may, in its discretion, grant the application for a licence without taking evidence.

(4) Where the character of any person is in issue the court may, if it thinks fit, receive in addition to any other relevant evidence, evidence as to—

(*a*) any previous convictions of that person:

(*b*) any previous conduct of that person, whether in connection with the work of a business agent or otherwise.

(5) Nothing in this section shall restrict the power of the court to require the production of any evidence which it thinks relevant to any application.

14. If the court is satisfied that the provisions of this Act have been complied with and that it is just and expedient to grant the applicant a licence, it shall grant the application and on payment of the prescribed fee issue a licence to the applicant. Grant of licence. S.A. 1723, 1925, s. 10.

15. (1) On the hearing of any application for a licence the court shall, if any objection to the application has been filed, have jurisdiction to determine what costs (if any) shall be paid to or by the objector or the applicant and to adjudge that such costs be paid. Costs. Vic. 3897, 1931, s. 9. S.A. 1723, 1925, s. 13.

(2) The court may itself fix the amount of such costs, or may order them to be ascertained by the taxing officer of the court.

Duration of licence.

16. Every licence shall take effect from the date specified therein, and unless sooner cancelled or otherwise made void in accordance with this Act, shall continue in force until the thirtieth day of June next after the date on which it takes effect.

Duplicate licence.

17. Where satisfactory proof is given of the loss or destruction of a licence the clerk of the court which granted the licence may, on payment of the prescribed fee, issue a duplicate licence.

Fees.

18. (1) The following fees shall be payable under this Act—

(*a*) For a business agent's licence issued to a person other than a licensed land agent or licensed landbroker: Three pounds:

(*b*) For a business agent's licence issued to a person who is a licensed land agent or a licensed landbroker: One pound:

(*c*) For a duplicate licence: Two shillings and sixpence.

Provided that where a licence is issued between the thirty-first day of December and the thirtieth day of June, the fees (other than the fee for a duplicate licence) shall be at half the rates set out in this subsection.

(2) No licence shall be issued and no transfer of a licence shall be granted until the prescribed fee has been paid.

Fidelity Bonds and Security.

Provisions as to bonds.
Vic. 3897, 1931, s. 6 (2) (*c*).
N.S.W. 7, 1935, s. 7 (11).
S.A. 1723, 1925, s. 6.

19. (1) No application for a business agent's licence shall be entertained unless the applicant has—

(*a*) deposited securities as required by section 21, and filed in the local court a certificate that he has done so; or

(*b*) filed in the local court a fidelity bond to His Majesty given by an insurance company or some other surety approved by the Attorney-General in the sum of five hundred pounds.

In this section "insurance company" means any company which, or person who, has complied with the provisions of the Insurance Act, 1932, of the Commonwealth, with respect to deposits.

(2) Every such bond shall be in the prescribed form and contain such terms and conditions as are prescribed for ensuring—

(*a*) that the business agent shall duly account for, apply, pay, transfer and deliver up any sum of money or any property which comes into his possession or control or for which he is chargeable or accountable as a business agent; and

(*b*) that the business agent shall perform and execute the duties required of him as business agent so as not to cause loss to be suffered by any person by reason of any wrongful act or omission as a business agent;

(*c*) the fulfilment of any other obligations or conditions of the bond.

(3) The sum of five hundred pounds named in a fidelity bond under this section shall be deemed not to be a penalty, but shall be liquidated damages, and shall be recoverable in full as a debt due by the surety or sureties to His Majesty unless the surety or sureties prove performance of every condition upon which the bond is defeasible.

(4) Every sum so recovered shall be paid into the general revenue, and shall, without further appropriation than this Act, be applied by the Treasurer—

(*a*) in payment of any costs and expenses incurred in connection with the recovery of such sum and in giving public notices;

(*b*) in compensating to the extent and in the manner which the Treasurer deems equitable, any persons who in the opinion of the Treasurer have suffered loss by reason of any breach of any condition of the bond; and

(*c*) in refunding to the surety any balance left after payment of such compensation.

(5) If at any time during the currency of any business agent's licence the bond filed by the holder of that licence under this Act ceases to be of full force and effect, the holder of the licence shall, until a bond of full force and effect is filed by him, be deemed to be unlicensed.

(6) If an applicant for a business agent's licence is also the holder of a land agent's licence under the Land Agents Act, 1925-1936, and he has, pursuant to section 6 of that Act, filed a fidelity bond as provided by that section, he may, in lieu of filing a fidelity bond as provided by this section, file in the local court a statement signed by the surety that it has been agreed that the fidelity bond, in addition to containing the terms and conditions required by the Land Agents Act, 1925-1936, shall be deemed to be amended so as to contain the terms and conditions required by this section. If the local court is satisfied that the fidelity bond as deemed to be amended contains the terms and conditions required by this section the application shall be entertained. If a business agent's licence is issued pursuant to the application, the fidelity bond shall for the purposes of this Act be deemed to be a fidelity bond filed pursuant to this section, and the provisions of this section shall apply to the payment of any amount recovered on the fidelity bond equally with the provisions of section 6 of the Land Agents Act, 1925-1936.

(7) Upon the termination of any licence or bond or upon receiving notice of the intended termination of any licence or bond, the Treasurer may publish in such newspapers as he thinks fit notices notifying the fact of such termination or intended termination and calling for claims from persons who have or may have claims against the business agent in his capacity as a business agent and fixing a period within which such claims shall be filed with the Treasurer.

(8) The Treasurer shall not allow any claim unless it was filed with him or notified to him before the expiration of such period.

(9) Before deciding whether any person shall be compensated under this section the Treasurer shall give to the surety an opportunity of being heard on all claims received by him.

Fidelity bond may enure so as to apply to renewals of licence.
S.A. 1723, 1925, s. 7.

20. (1) A fidelity bond given under this Act may, if it is so provided therein, enure not only during the term of the licence in respect of which it is originally given, but during the term of any subsequent licence of the same kind issued to the same person.

(2) If a fidelity bond provides that it is to enure in respect of any subsequent licence, it shall be lawful for the surety or sureties, by notice in writing addressed to the clerk of the local court in which the bond is filed, at any time to determine his or their liability under the bond in respect of any act or default that may be done or made after the thirtieth day of June next

following the date of such notice, and in any such case the court shall not issue any further licence to the person who filed the bond until he has filed another bond or securities complying with this Act.

Termination of bond.

21. (1) Nothing in this Act shall prevent any surety from terminating any bond in accordance with any contract between the surety and the business agent named in the bond : Provided that no such termination shall be effective unless the surety has given to the clerk of the local court in which the bond is filed, at least one month's notice of his intention to terminate the bond.

(2) The termination of a bond shall not relieve or discharge the surety from any liability under the bond which accrued before the termination of a bond.

Deposit of Government securities in lieu of fidelity bond.

1723, 1925, s. 7a.

22. (1) Any person who is required by this Act to file a fidelity bond in a local court may in lieu of filing such a bond deposit with the Treasurer securities issued by the State or Commonwealth the face value of which is six hundred pounds. Upon receipt of any such securities the Treasurer shall issue to the person depositing them a certificate certifying the fact of deposit, and such certificate shall be filed in the local court in lieu of the fidelity bond.

(2) All such securities shall be transferred to the Treasurer and shall be held by him as security for the performance of the same conditions as would have been required to be included in the fidelity bond in lieu of which the securities are deposited, and upon the breach of any such condition the Treasurer shall sell such securities and apply the proceeds thereof in the following order of priority :—

(*a*) in payment of the costs of selling the securities and of giving public notices ;

(*b*) in compensating to the extent and in the manner which the Treasurer deems equitable, any persons who in the opinion of the Treasurer have suffered loss by reason of any breach of any such condition ; and

(*c*) in refunding to the person depositing such securities or his successor in title or his nominee any balance left after payment of such costs and compensation.

(3) While the securities are held by the Treasurer the person depositing them shall be entitled to the interest accruing thereon.

(4) If the Treasurer is satisfied that the person who deposited any securities under this Act—

(*a*) has ceased to carry on business as a business agent for at least six months and has not broken any condition for the performance of which the securities were held as security ; or

(*b*) has deposited a fidelity bond in substitution for such securities,

the Treasurer shall, on application duly made, retransfer the securities to that person or his successor in title or his nominee.

(5) So long as the Treasurer holds securities as required by this section on behalf of any person, that person shall be deemed to have complied with the requirements of this Act as to the deposit of a fidelity bond.

(6) If an applicant for a business agent's licence is also the holder of a land agent's licence under the Land Agent's Act, 1925-1936, and he has, pursuant to section 7a of that Act, deposited securities with the Treasurer as provided by that section he may, in lieu of depositing securities as provided by this section, file in the local court a statement that the deposited securities are, in addition to being deposited for the purposes of the Land Agents Act, 1925-1936, deposited for the purposes of this section. In such case, the said deposit shall be deemed to be a sufficient compliance with this section and, if a business agent's licence is issued pursuant to the application, the securities shall, for the purposes of this Act, be deemed to be securities deposited pursuant to this section, and the provisions of this section shall apply to the payment of any proceeds of the sale of the securities equally with the provisions of section 7a of the Land Agents Act, 1925-1936.

Inspection of fidelity bond.
Vic. 3897, 1930, s. 30. N.S.W. 7, 1935, s. 27.

23. Any person may, on payment of a fee of two shillings and sixpence to the clerk of the local court in which the fidelity bond of any business agent is lodged, inspect the bond and take a copy thereof.

Cancellation of Licences.

Cancellation of licences.
S.A. 1723, 1925, s. 27.

24. (1) Subject as hereinafter mentioned the Attorney-General or any other person may apply to the local court of full jurisdiction nearest by the most convenient route to the registered office of the holder of any licence for an order directing either the first or both of the following things, namely :—

(*a*) that the licence be cancelled :

(*b*) that the holder of the licence be disqualified either temporarily or permanently, or until the fulfilment of any condition imposed by the court, from holding a licence.

(2) An order under this section may be made upon any of the following grounds, namely :—

(*a*) that the licence was improperly obtained contrary to the provisions of this Act ; or

(*b*) that the holder of the licence has at any time been convicted of any offence against this Act or any offence involving dishonesty ; or

(*c*) that the holder of the licence is not a fit and proper person to continue any longer to be licensed ; or

(*d*) that the holder of the licence has been guilty of such conduct as renders him unfit to continue any longer to be licensed ; or

(*e*) where the licence was held by a company, that any of the directors of the company or the manager thereof has been convicted since the licence was granted of any offence involving dishonesty or has been guilty of any conduct which in the court's opinion would justify it in making an order against the company under this section ; or

(*f*) that the holder of the licence has employed in his business any person who by reason of his character or conduct was unfit to be employed in that business ; or

(*g*) upon any other grounds which the court deems sufficient.

(3) Every application under this section shall be made, and notice thereof shall be served on the holder of the licence, in accordance with the regulations.

(4) Upon being satisfied of the existence of any of the grounds aforesaid the court may make any order authorised by this section and any order as to costs which it thinks just.

(5) If the holder of a licence or any director or manager of a company by which a licence is held, has been convicted by any court of an offence against this Act or any offence involving dishonesty such court may, of its own motion, make any such order as mentioned in subsection (1) or subsection (2) of this section.

(6) Where the holder of a licence is a party to an action in the Supreme Court or in a local court of full jurisdiction and such court is satisfied, on the evidence before it in such action, that a proper case exists for making any such order as mentioned in subsection (1) or subsection (2) of this section, such court may, of its own motion make any such order as aforesaid.

The Register of Licences.

Register of licences.
S.A. 1723, 1925, s. 16.

25. The Attorney-General shall keep a register of licences in which shall be recorded in relation to every person holding a licence under this Act—

(*a*) the name of such person:

(*b*) the amount of the fees paid in respect of his licence:

(*c*) the date of the issue of the licence:

(*d*) the address of the registered office of such person:

(*e*) the address of every place of business of such person:

(*f*) such other particulars as may be prescribed.

Clerks of local courts to forward particulars of licences, etc.

26. (1) The clerk of every local court and the proper officer of any other court making an order under this Act shall forward to the Attorney-General particulars of every licence issued, renewed, suspended or cancelled under this Act.

(2) The Attorney-General shall—

(*a*) make in the register from time to time all such alterations and additions as are necessary to keep the register in accordance with facts:

(*b*) remove from the register the name of every deceased holder of a licence and of every person who has ceased to be licensed.

(3) In the exercise and performance of his powers and duties under this section the Attorney-General shall act on such evidence as in each case appears to him sufficient.

List of business agents and evidence.
S.A. 1723, 1925, s. 18.

27. (1) The Attorney-General shall, in each year publish in the *Gazette* a list (herein referred to as the main list) of the names and the addresses of the registered offices of all persons holding licences on a date to be therein specified, together with such of the relevant particulars appearing in the register as the Attorney-General thinks fit. Supplementary lists may be published in like manner as the Attorney-General may from time to time direct.

(2) A certificate under the hand of the Secretary to the Attorney-General that any person was or was not the holder of a licence on any date mentioned in the certificate, or as to any other matter or fact recorded in the register of licences shall, in all judicial proceedings, be *prima facie* evidence of the fact or facts therein certified to.

(3) The Secretary to the Attorney-General shall, upon the request in writing of any person and payment of the prescribed fee, issue a certificate stating any such matters as are referred to in subsection (2) of this section.

(4) An apparently genuine document purporting to be a certificate under the hand of the Secretary to the Attorney-General and to certify any of the matters mentioned in subsection (2) of this section shall be taken to be such a certificate without proof of the signature of the said Secretary.

Duties of Holders of Licences.

Registered office.
Vic. 3897, 1930, s. 13.
N.S.W., 7, 1935, s. 15.

28. (1) Every licensed business agent shall have a registered office within the State to which all communications and notices may be addressed and shall give notice in writing of the situation of that registered office, and of any change therein to the Attorney-General who shall record the same in the register of licences.

(2) Any person who fails to comply with any requirement of this section shall be guilty of an offence.

Duty to display notice on places of business.
Vic. 3897, 1930, s. 22.
N.S.W. 7, 1935, s. 16.

29. (1) Every licensed business agent shall paint or affix and keep painted or affixed on every place where he carries on business as a business agent and on his registered office, so as to be easily read from outside such place or office, his name and, if such business is not carried on in his own name the name under which he or the firm in which he is a partner is registered or deemed to be registered under the Registration of Business Names Act, 1928.

(2) Any person who fails to comply with any requirement of this section shall be guilty of an offence.

Publication of name and place of business in advertisements.

30. Any business agent who publishes (whether in a newspaper or otherwise) any advertisement relating to or in connection with his business without specifying therein his name and his place of business shall be guilty of an offence.

Application of trust moneys.
N.S.W. 7, 1935, s. 17.
Vic. 3897, 1930, s. 24.

31. (1) Every business agent who, in the course of his business as a business agent, receives either personally or by any servant or agent, any moneys on behalf of any person in respect of any transaction or who holds any moneys so received as a stakeholder or in trust pending completion of any transaction—

(*a*) shall as soon as practicable after receiving such moneys pay them into a bank to a trust account in the name of the business agent ; and

(*b*) shall not withdraw such moneys therefrom save for the purpose of paying them to the person or persons entitled thereto.

All such moneys shall be kept and accounted for separately from the moneys of the business agent.

(2) Any business agent who commits any contravention of, or fails to comply with any provision of subsection (1) of this section shall be guilty of an offence and liable to a penalty of not less than ten pounds and not more than one hundred pounds.

(3) Moneys so paid into any such trust account shall not be attached or taken in execution under the order or process of any court, except for the purpose of paying them to the persons entitled thereto or satisfying any judgment or order which directs such payments to be made.

(4) Notwithstanding anything in this Act a bank shall not be under any obligation to see to the application by the said agent of any moneys drawn out of such trust account.

Business agent to furnish account to principal.

32. (1) When a business agent has received, either personally or by any servant or agent, any money for or on behalf of any person for whom he has acted as a business agent, he shall forthwith on the demand of the person for whom he has acted as agent, or, if no such demand is made, then within twenty-eight days after the receipt of the money render to the person on whose behalf he has received the money an account in writing, setting forth particulars of all such money, and as to the application thereof.

(2) If any business agent fails to comply with any requirement of this section he shall be guilty of an offence.

Power to inspect documents relating to trust accounts, etc.

Vic. 3897, 1930, s. 26. N.S.W. 7, 1935, s. 19.

33. (1) Any person authorised by the Attorney-General in writing may, during business hours—

(*a*) inspect any books, accounts, documents or writings in the custody or control of any licensed business agent or of any servant or agent of a licenced business agent which relate to any moneys received by the business agent, servant or agent in the course of the business of the business agent for or on behalf of any other person, or to any trust account in any bank in the name of the business agent or which may, in the Attorney-General's opinion, contain information showing whether or not the business agent has any partners ; and

(*b*) take notes, copies or extracts thereof or therefrom.

(2) Any person who—

(*a*) wilfully delays or obstructs any person so authorised in the exercise of his powers under this section ; or

(*b*) being a business agent or the servant or agent of a business agent without reasonable excuse refuses to produce any such books, accounts, documents or writings,

shall be guilty of an offence.

(3) Any person so authorised may communicate to any client of the business agent a report of the result of such inspection if and so far as it directly concerns such client.

Persons not to be employed by licensed business agents.
Vic. 3897, 1930, s. 28.
N.S.W. 7, 1935, s. 25.

34. (1) A licensed business agent shall not knowingly employ in any way whatever in connection with his business any person—

(*a*) who is for the time being disqualified by an order of a court made under this Act from holding a business agent's licence or disqualified by an order of a court made under section 27 of the Land Agents Act, 1925-1936, from holding any licence under that Act; or

(*b*) whose application for a business agent's licence or for a land agent's licence or registration as a land salesman under the Land Agents Act, 1925-1936, has been refused on the ground of dishonesty or other misconduct, unless such an application has been subsequently granted; or

(*c*) who has broken any condition of a fidelity bond or any securities filed or deposited by him as a licensed business agent under this Act or as a licensed land agent under the Land Agents Act, 1925-1936, unless a local court on the application of such person permits such employment; or

(*d*) who is a known or reputed thief or cheat.

(2) Subject to this section no such person shall participate or be in any way concerned in the business of a licensed business agent.

(3) Any person who commits any contravention of or fails to comply with any of the provisions of this section shall be guilty of an offence.

Procedure and Miscellaneous.

Civil remedy not affected by proceedings for an offence.
Vic. 3897, 1930, s. 33.
N.S.W. 7, 1925, s. 29.

35. Notwithstanding any proceedings against any person for an offence against this Act (whether resulting in a conviction or otherwise) such person shall remain liable to all civil proceedings in like manner as if the proceedings for an offence had not been taken.

Liability of company.
Vic. 3897, 1930, s. 34.
N.S.W. 7, 1935, s. 30.

36. A company shall be liable for any offence against this Act as if it were a private person and shall be subject to the same fines as if it were a private person; and, where a company is guilty of any such offence, any director, manager, secretary or officer of such company, who is knowingly a party to the commission of the offence shall be also guilty of an offence, and be liable to the fine or imprisonment, or both, provided by this Act, in the case of such an offence.

Furnishing incorrect particulars in application. Vic. 3897, 1930, s. 43. N.S.W. 7, 1935, s. 39.

37. Any person who, in any application made pursuant to this Act wilfully or negligently makes any statement which is not correct shall be guilty of an offence.

Offences against Act and penalties.

38. (1) Every person who commits any contravention of or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) Proceedings for offences against this Act shall be disposed of summarily.

(3) Where no penalty is specially provided for any offence against this Act any person guilty of such offence shall be liable to a fine of not more than one hundred pounds and, in the case of a continuing offence, to a further fine of not more than five pounds for each day on which the offence is continued.

Contracts relating to the sale of businesses. Cf. 1807, 1927, s. 10.

39. (1) Any contract for the sale of any business shall be voidable at the option of the purchaser at any time within six months from the making thereof, unless—

(*a*) the contract is in writing; and

(*b*) the contract contains the following particulars, namely—

(i.) the name, address and description of the vendor; and

(ii.) the name, address and description of the purchaser; and

(iii.) the name, address and description of some person to whom all moneys falling due under the contract may be paid; and

(*c*) the contract, if the consideration therein mentioned is two hundred pounds or more, or if it is one of a number of contracts forming substantially one transaction in which the total consideration is two hundred pounds or more, is executed by the purchaser in the presence of two witnesses, neither of whom shall be the vendor, the vendor's agent, or any person employed by the vendor's agent.

(2) A purchaser shall not be deemed to have elected to affirm a contract which is voidable under this section by reason of any payments of money made by the purchaser pursuant to the contract within the period of six months aforesaid.

Appointments of agents for sale of businesses to be in writing. Vic. 3897, 1930, ss. 19, 32. N.S.W. 7, 1935, ss. 28, 38.

40. (1) No person shall be entitled to bring any proceedings in any court to recover any commission, fee, gain or reward for any work or service done or performed by him as a business agent unless his appointment to act as a business agent is in writing signed either before or after such transaction by the

person to be charged with such commission, fee, gain or reward, or by some person on his behalf lawfully authorised to sign such appointment.

(2) Notwithstanding anything in any Act, no action shall be brought upon any contract for the sale of any business or any share of or interest in any business, if the agreement or the memorandum or note thereof on which such action is brought is signed by any person other than the party to be charged therewith, unless such person so signing was, by writing signed by the party to be so charged, authorised to sign.

Regulations.

41. The Governor may make any regulations necessary or convenient for carrying this Act into effect, and securing the due observance thereof, and without limiting the generality of the foregoing provision, for—

(*a*) prescribing the procedure on applications and other proceedings under this Act:

(*b*) the licensing, regulation and control of any specified class or classes of servants or agents of business agents and for requiring such servants or agents to file or deposit as prescribed fidelity bonds or other securities as security for the performance of such duties and obligations as are prescribed:

(*c*) prescribing any matters connected with or incidental to the matters mentioned in paragraph (*b*) of this section:

(*c*1) for requiring licensed business agents acting on behalf of other persons in respect of the sale, exchange, or other dealing with or disposal of any business, to account to those persons for the proceeds of such sale, exchange, dealing or disposal:

(*c*2) for regulating the commission and other amounts recoverable by licensed business agents on or in respect of the sale, exchange, or other dealing with or disposal of businesses; for prescribing methods whereby such commission and other amounts payable in respect of any such transaction may be referred for taxation by any officer prescribed for the purpose and for giving effect to decisions of such officer:

(*d*) prescribing penalties recoverable summarily and not exceeding twenty pounds for breach of any regulations.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2421.

An Act to amend the Abattoirs Act, 1911-1936.

[*Assented to 15th December*, 1938.]

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

Short titles.

1. (1) This Act may be cited as the " Abattoirs Act Amendment Act, 1938 ".

(2) The Abattoirs Act, 1911-1936, as amended by this Act, may be cited as the " Abattoirs Act, 1911-1938 ".

(3) The Abattoirs Act, 1911-1936, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3— Interpretation.

2. Section 3 of the principal Act is amended—

(*a*) by striking out the words " any sort " in the third line of the definition of " disease " therein and by inserting in lieu thereof the words " various sorts " ;

(*b*) by striking out the words " two newspapers " in the definition of " public notice " therein and by inserting in lieu thereof the words " a newspaper " ; and

(*c*) by inserting after the word " of " in the definition of " vehicles " therein the words " aeroplane, motor vehicle,".

Amendment of principal Act, s. 4— Application of certain Acts.

3. Section 4 of the principal Act is amended by adding at the end of subsection (1) thereof the following words :—

" Provided that the said enactments shall apply with respect to every slaughter-house and abattoir within such abattoirs area or added area which is exempted under section 56."

4. Section 13 of the principal Act is repealed and the following section is enacted in lieu thereof :— Amendment of principal Act, s. 13—

13. An abattoirs area shall not be proclaimed until evidence has been furnished to the satisfaction of the Minister showing what arrangements have been made by the council of the local government area which or part of which is to be the abattoirs area, or between the councils of the various local government areas which are to be wholly or partly contained within the abattoirs area, as to— Provision for board of area.

(*a*) the constitution of the board and the appointment or election of the members thereof :

(*b*) all financial matters connected with the abattoir proposed to be erected or used for the purposes of the abattoirs area, and with the execution of this Act within the abattoirs area,

nor unless those arrangements are in his opinion satisfactory. The arrangements as approved by the Minister shall be stated in the proclamation whereby the abattoirs area is proclaimed.

5. Section 26 of the principal Act is repealed and the following section is enacted in lieu thereof :— Amendment of principal Act, s. 26—

26. (1) If the number of the members of a board is three or a multiple of three, one third of the members of the board shall retire at the end of every year. If the board is not so constituted, there shall be stated in the proclamation whereby the abattoirs area is proclaimed, the number of members who shall retire at the end of each year of the first two years of the board. Term of office of members of the board.

(2) At the end of the first year of the board, the requisite number of members, as provided by subsection (1), shall retire and at the end of the second year of the board, the requisite number of members, as provided by subsection (1), shall retire.

(3) Except as provided by subsection (2), members of the board shall, subject to this Act, hold office for three years.

(4) The members to retire shall be those who have been longest in office without re-election or re-appointment, and when the number cannot thus be made up or decided, lots shall be drawn between those who have been an equal time in office without re-election or re-appointment to decide which of them shall retire, and the retirement shall take place accordingly.

(5) Members of a board shall hold office until the election or appointment of their successors, and on the expiration of their term of office shall be eligible for re-election or re-appointment.

(6) Every person appointed or elected to supply any extraordinary vacancy occurring in a board shall, for the purpose of retirement, be deemed to have been elected or appointed when his immediate predecessor in office was elected or appointed and shall retire accordingly.

Amendment of principal Act, s. 27—Meetings.

6. Section 27 of the principal Act is amended by striking out the word " three " in the sixth line thereof and by inserting in lieu thereof the word " two ".

Amendment of principal Act, s. 34—Officers.

7. Section 34 of the principal Act is amended by adding at the end of subsection (1) thereof the words " The board may appoint any person as both the superintendent of the abattoir and as an inspector ".

Amendment of principal Act, s. 40—Auditor.

8. Section 40 of the principal Act is amended—

(*a*) by striking out subsection (1) thereof and by inserting the following subsection in lieu thereof :—

(1) There shall be an auditor appointed by the board of any abattoirs area. The auditor shall retire at the end of each year but shall be eligible for re-appointment. No person shall be appointed as auditor unless he holds a local government auditor's certificate issued pursuant to the Local Government Act, 1934-1936.

(*b*) by striking out the word " auditors " wherever occurring in subsections (2) and (3) thereof and by inserting in lieu thereof in every case the word " auditor ".

Consequential amendment of principal Act, ss. 41, 42 and 43.

9. (1) Sections 41, 42, and 43 of the principal Act are amended by striking out the word " auditors " wherever occurring in the said sections and by inserting in lieu thereof in every case the word " auditor ".

(2) Subsection (2) of section 42 of the principal Act is amended—

(*a*) by striking out the word " their " in the fifth line thereof and by inserting in lieu thereof the word " his ";

(*b*) by striking out the word " them " in the penultimate line thereof and by inserting in lieu thereof the word " him "; and

(*c*) by striking out the words " their successors have " in the last line thereof and by inserting in lieu thereof the words " his successor has ".

(3) Section 43 of the principal Act is amended by striking out the word " have " in the ninth line thereof and by inserting in lieu thereof the word " has ".

Amendment of principal Act, s. 45—Establishment of abattoir.

10. Section 45 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) Any lands acquired by a council may, if not inconsistent with any trusts affecting the same, be used for the establishment of an abattoir under this Act.

Amendment of principal Act, s. 46—Expenses.

11. Subsection (2) of section 46 of the principal Act is amended so as to read as follows :—

(2) For the purpose of carrying out the provisions of this section, such abattoir, land, buildings, appurtenances, plant, equipment, and compensation (but not the maintenance or management of the abattoir) shall be deemed to be works and undertakings or permanent works and undertakings authorized to be carried out by such council or councils under the Local Government Act, 1934-1936, and shall further be deemed with the arrangements made and approved by the Minister under section 13 of this Act to be a scheme for the carrying out of such permanent works and undertakings to which the authority or consent of the Minister for the time being administering the said Local Government Act, 1934-1936, has been given as provided by Parts XIX. or XXI. of the said Act, as the case may be, so that the council or councils may without further authority or consent borrow money on the security of the general rates by the issue of debentures in the manner provided by the said Act; and such council or councils may also without further authority or consent declare any special rate under the said Act and borrow such money on the security thereof as may be necessary for such purpose : Provided that where part only of a municipality or district is included in the abattoirs area the works and undertakings authorized by this Act shall be deemed to be for the benefit of that part only.

Amendment of principal Act, s. 48—Application of revenue.

12. Section 48 of the principal Act is amended—

(*a*) by striking out the paragraph in subsection (1) thereof commencing " Fourthly " and by inserting in lieu thereof the following paragraph :—

Fourthly, in establishing a sinking fund which shall be sufficient to repay all moneys borrowed by the board within a period of not more than forty-two years from the respective dates of the respective borrowings :

(*b*) by striking out the words " one-third " in the penultimate line of subsection (1) thereof and by inserting in lieu thereof the words " the whole or any part "; and

(*c*) by striking out the words "'profits,' 'plant,' and 'machinery,'" in subsection (3) thereof and by inserting in lieu thereof the words " and 'profits' ".

Amendment of principal Act, s. 50—Overdraft.

13. Section 50 of the principal Act is amended by striking out the word " eight " in the eighth line thereof and by inserting in lieu thereof the word " twenty ".

Amendment of principal Act, s. 51—Registration of abattoir.

14. Section 51 of the principal Act is amended by striking out the words " and also the board as the board controlling the same " in the eighth and ninth lines thereof ".

Amendment of principal Act, s. 53—Stock slaughtered for export.

15. Section 53 of the principal Act is amended by striking out the words " except on the request, in writing, of the Minister administering the Metropolitan and Export Abattoirs Act, 1936 " occurring in paragraphs (*e*) and (*f*) thereof and by inserting in lieu thereof in each case the words " unless pursuant to a licence granted by the Minister of Agriculture under section 52a of the Metropolitan and Export Abattoirs Act, 1936-1937 ".

Amendment of principal Act, s. 55—Inspection fees.

16. Section 55 of the principal Act is amended by striking out the words " of premises of the Metropolitan and Export Abattoirs Board " in the fifth and sixth lines of subsection (2) thereof and by inserting in lieu thereof the words " the owner of such carcass ".

Amendment of principal Act, s. 62—Diseased stock.

17. Section 62 of the principal Act is amended by inserting therein after the word " area " in the second line thereof the words " or at any factory exempted under section 56 which is for the time being subject to inspection under section 74 ".

Amendment of principal Act, s. 65—Disposal of diseased stock.

18. Section 65 of the principal Act is amended by striking out all the words in the first six lines thereof and by inserting in lieu thereof the following words :—

" Whenever on the slaughter (other than at the abattoir or any slaughter-house or abattoir exempted under section 56) of any stock after the day specified in the notice given pursuant to section 52 with respect to an abattoirs area, the stock is found to be diseased, the owner or person in charge of the stock shall within twenty four hours from the time of slaughter of the said stock—".

Amendment of principal Act, s. 73—By-products.

19. Section 73 of the principal Act is amended by striking out the word " shall " in the first line thereof and by inserting in lieu thereof the word " may ".

20. Section 74 of the principal Act is repealed and the following section is enacted in lieu thereof :— Amendment of principal Act, s. 74—

74. (1) It shall be the duty of every board to cause all carcasses slaughtered without an abattoir area and brought to the abattoir for examination to be examined by an inspector upon payment of such reasonable fees as are from time to time fixed by the board. Inspection of carcasses.

(2) With the consent of the board, an inspector of an abattoirs area may be appointed an inspector for the purpose of inspecting bacon factories outside the metropolitan area under the Metropolitan and Export Abattoirs Act, 1936-1937. If such an appointment be made and while the same is in force, it shall be the duty of the board to cause the carcasses of all swine slaughtered at any bacon factory exempted under section 56 to be examined by such inspector at such times and upon payment of such reasonable fees as may from time to time be fixed by the board.

(3) If upon an examination pursuant to subsection (1) or (2) hereof any such carcasses are found to be free from disease the inspector shall give a certificate in writing to that effect and brand the same, but if found to be diseased the same shall be retained and disposed of in manner mentioned in section 62 : Provided that—

I. no such examination shall be made or certificate given or brand implanted in respect of any such carcass unless there is attached thereto in natural connection when brought or presented for examination the pleura and the peritoneum, lungs, heart, kidneys, tongue and such other organs as are prescribed and in the case of cows the udder also :

II. for the purpose of such examination the carcasses of stock (with the exception of calves) may be cut in halves.

21. Section 79 of the principal Act is amended by inserting after the word " area " in the second line of paragraph IX. of subsection (1) thereof the words " and brought to the abattoir for inspection ". Amendment of principal Act, s. 79—Regulations.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

an insured person elect, by written notice given to the board, to do one of the following things, namely :—

(*a*) To continue to contribute to the fund in accordance with this Act :

(*b*) To surrender any of the units for which he was contributing and to continue to contribute in accordance with this Act for the number of units allowed by this Act, less the units so surrendered :

Provided that in no case shall the number of units for which a contributor continues to contribute be less than two.

(*c*) To withdraw wholly from the fund and surrender all the units for which he was contributing :

Every such election shall take effect as from the day on which the contributor becomes an insured person.

(3) If a contributor fails to elect as required by sub section (2) of this section, he shall be deemed to have elected to continue to contribute to the fund in accordance with this Act.

(4) Where a contributor surrenders units under this section he shall be entitled to receive from the fund the actuarial equivalent of the contributions (other than contributions towards the cost of the administration of this Act) made by him in respect of the units so surrendered.

(5) The board shall from the money in the fund and without any appropriation other than this Act, pay to any contributor or ex-contributor the amount to which he is entitled under this section.

(6) The board may in any case extend the time for making an election under this section.

Provision as to future employees, insured under National Insurance.

26d. (1) Notwithstanding any other provision of this Act, any person who becomes an employee after the enactment of this section and is an insured person at the time of the commencement of his employment or subsequently becomes an insured person may elect not to be a contributor to the fund or may elect to contribute to the fund at the rate appropriate for his age for the number of units prescribed for the salary-group to which he belongs, less two units. Any such insured person shall not contribute to the fund for any greater number of units than the number hereinbefore mentioned in this subsection.

(2) An election under subsection (1) of this subsection shall be made by written notice given to the board by the insured person within two months from the commencement of his employment or from the time when he becomes an insured person, whichever is later.

(3) If an employee fails to elect as required by subsection (1) of this section, he shall be deemed to have elected not to be a contributor to the fund.

(4) Any person who becomes an employee after the enactment of this section and who will, in the board's opinion, become an insured person upon or after the coming into operation of the National Health and Pensions Insurance Acts or any provisions thereof, may make an election as provided by subsection (1) of this section within two months after the commencement of his employment.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2423.

An Act to amend the Public Service Act, 1936-1937.

[*Assented to 19th December,* 1938.]

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. (1) This Act may be cited as the "Public Service Act Amendment Act, 1938".

(2) The Public Service Act, 1936-1937, as amended by this Act, may be cited as the "Public Service Act, 1936-1938".

(3) The Public Service Act, 1936-1937, is hereinafter referred to as "the principal Act".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 30 thereof the following section:—

Validation of certain returns.

30a. The returns prepared by the board for the classification of permanent offices in the public service and published in the *Gazette* on the fourth day of October, nineteen hundred and thirty, and on the nineteenth day of September, nineteen hundred and thirty-one, shall be deemed to have been validly made and to have full force and effect, and, notwithstanding the provisions of section 11e of the Public Service Act, 1916 (as enacted by section 5 of the Public Service Act Amendment Act (No. 2), 1925) or any other Act, no person shall have any claim in law or equity by reason of any reduction made in the salary of any office under any such classification, or shall commence any proceedings to enforce any such claim.

Amendment of principal Act, s. 75— Long service leave.

3. (1) Section 75 of the principal Act is amended—

(*a*) by striking out the words " and also to all persons holding such (if any) other offices in the said service, and to such (if any) other persons in the said service as are ordered by the Governor in Council to be within the application of this subdivision of this subsection " in subdivision (*a*) of subsection (3) thereof :

(*b*) by adding at the end of subdivision (*a*) of subsection (3) thereof the following proviso :—

Provided that this subdivision shall not apply to any person in the service of the South Australian Railways who is, after the first day of November, nineteen hundred and thirty-eight, appointed to any office mentioned in the second schedule to this Act.

(*c*) by striking out the word " other " in subdivision (*b*) of subsection (3) thereof and by adding at the end of the said subdivision the words " other than persons to whom subdivision (*a*) of this subsection applies ".

(2) Section 75 of the principal Act is amended by adding at the end thereof the following subsection :—

(11) If at the time any officer commences long leave of absence he has attained the age of retirement within the meaning of the Superannuation Act, 1926, or if during the time he is on long leave of absence, the officer attains such age of retirement, the officer, for the purpose of determining when he shall be entitled to any pension on retirement under the said Act, shall not, for the purposes of the said Act, be deemed to have retired until at the expiry of his long leave of absence.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2424.

An Act to amend the Local Government Act, 1934-1936.

[*Assented to 19th December,* 1938.]

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 " Local Government Act Amendment Act, 1938 ".

(2) The Local Government Act, 1934-1936, as amended by this Act, may be cited as the " Local Government Act, 1934-1938 ".

(3) The Local Government Act, 1934-1936, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 5—

Definition of " owner ".

2. The definition of " owner " in subsection (1) of section 5 of the principal Act is amended—

(*a*) by striking out all the words in the fourth, fifth, and sixth lines of paragraph (*d*) of the said definition and by inserting in lieu thereof the words " under any lease granted by the Crown " ;

(*b*) by inserting therein after paragraph (*e*) of the said definition the following paragraph :—

(*e*1) any mortgagee in possession who is by himself or his tenant in occupation of any land and is entitled to receive the rents and profits thereof :

(*c*) by striking out the word "abovementioned" in the second line of paragraph (*f*) of the said definition and by inserting in lieu thereof the word "beforementioned".

Amendment of principal Act, s. 9—Proclamation relating to retirement of councillors.

3. Section 9 of the principal Act is amended by inserting therein after the word "Governor" in the first line thereof the words "re-divides any area or".

Amendment of principal Act, s. 51—Election of councillors.

4. Section 51 of the principal Act is amended—

(*a*) by striking out the words "owners and occupiers of ratable property within" in the third and fourth lines thereof and by inserting in lieu thereof the word "ratepayers of"; and

(*b*) by striking out the words "owners and occupiers of ratable property within" in the fifth line thereof and by inserting in lieu thereof the words "ratepayers of".

Amendment of principal Act, s. 52—Qualifications.

5. Section 52 of the principal Act is amended—

(*a*) by striking out the words "owner or occupier of ratable property within" in the first and second lines thereof and by inserting in lieu thereof the words "ratepayer of"; and

(*b*) by inserting after the word "more" in the third line thereof "and every person nominated by a company pursuant to section 100 who is also a director of that company and is of the age of twenty-one years or more".

Amendment of principal Act, s. 52—Disqualifications of councillors.

6. Section 52 of the principal Act is amended by striking out the word "member" second occurring in the first line of subsection (4) thereof and by inserting in lieu thereof the words "shareholder or member or director, manager, or servant".

Amendment of principal Act, s. 54—Resignation of councillors.

7. Paragraph VI. of section 54 is amended so as to read as follows:—

VI. Resignation with the licence of the council by notice posted or delivered to the mayor or to the chairman or to the clerk:

Amendment of principal Act, s. 65—Notice of first meeting of council after election.

8. Section 65 of the principal Act is amended by adding at the end of subsection (1) thereof the words "Notwithstanding the provisions of section 146 it shall be sufficient notice if less than three days' notice is given of such meeting".

9. Section 79 of the principal Act is amended by inserting the word "next" before the word "least" in the fourth line of subsection (2) thereof.

Amendment of principal Act, s. 79—
Retirement of aldermen.

10. Part V. of the principal Act is amended by inserting therein after section 86 the following section :—

Amendment of principal Act, Part V.—

86a. (1) If the council fails to appoint an auditor as provided by this Part, the Minister may appoint an auditor for the area.

Appointment of auditor on failure to appoint by council.

(2) Notice of any such appointment shall be published in the *Gazette*.

(3) Every auditor so appointed shall hold office until the thirty-first day of August next occurring after his appointment.

(4) Every such auditor shall be paid by the council such fee as is fixed by the Minister at the time of his appointment as auditor. The fee shall be recoverable by the auditor from the council as a debt due to the auditor by the council.

(5) For the purposes of this section, a council shall be deemed to have failed to appoint an auditor—

(*a*) if the council does not in the month of August appoint an auditor as provided by subsection (2) of section 84 ; or

(*b*) if the council does not appoint an auditor within one month after a vacancy occurs in the office of auditor.

11. Section 99 of the principal Act is amended—

Amendment of principal Act, s. 99—
Voters' rolls.

(*a*) by inserting after the word " unless " in the eleventh line thereof the words " at least six days before the day of voting " ; and

(*b*) by striking out the word " ten " in the second line of paragraph III. thereof and by inserting in lieu thereof the word " six ".

12. Section 100 of the principal Act is amended by inserting therein after the word " any " in the fourth line thereof the word " financial ".

Amendment of principal Act, s. 100—
Nomination of companies' representatives.

13. Subsection (1) of section 105 of the principal Act is amended by inserting therein after paragraph VIII. thereof the following paragraphs :—

Amendment of principal Act, s. 105—
Deposits on nomination.

VIIIa. No person shall be entitled to be nominated for any election within the Municipality of the City of

Adelaide for the office of mayor, alderman, or councillor unless, before the hour of nomination, the person nominated or someone on his behalf deposits with the clerk the sum of three pounds in money or in Australian notes or in a banker's cheque:

Amendment of principal Act, s. 105—Nominations.

14. (1) Subsection (1) of section 105 of the principal Act is amended by inserting therein after paragraph VII. thereof the following paragraph:—

VIIa. No person shall be entitled to be nominated for the office of mayor, alderman, or councillor in any area unless for the whole of the period of six months immediately prior to the day of nomination he was the owner or occupier of ratable property within the area:

(2) Form No. 2 of the fifth schedule to the principal Act is amended by adding at the end of the line commencing "I, the above-named candidate", the words "and I do hereby declare that I have been an owner or occupier of ratable property within the municipality (*or* district) for the whole of the period of six months immediately prior to the day of nomination".

Amendment of principal Act, s. 108—Polling places.

15. Section 108 of the principal Act is amended—

(*a*) by striking out the word "in" in the third line thereof and by inserting in lieu thereof the word "for"; and

(*b*) by adding at the end of subsection (1) thereof the words "If the council appoints one or more polling-places for each of the wards it may also appoint one or more polling-places for all the wards".

Amendment of principal Act, s. 115—Rights of voting.

16. Section 115 of the principal Act is amended—

(*a*) by inserting after the word "sections" in the fifth line thereof the passage "101,";

(*b*) by striking out the words "If two or more joint tenants or tenants in common of any ratable property are enrolled in the voters' roll for the area or any ward thereof" in subsection (2) thereof and by inserting in lieu thereof the words "If two or more persons are enrolled on the voters' roll for the area or any ward thereof as owners of the same ratable property";

(*c*) by striking out the word "tenants" wherever occurring in paragraphs I., II., and IV. of subsection (2) thereof and by inserting in lieu thereof in every case the word "owners";

(*d*) by inserting after the word "any" in the penultimate line of paragraph 1. of subsection (2) thereof the word "financial";

(*e*) by inserting therein after subsection (2) thereof the following subsection:—

(2a) If two or more persons are enrolled on the voters' roll for the area or any ward thereof as occupiers of the same ratable property, the number of such persons who may vote at any election shall be as prescribed by subsection (2) with respect to owners of ratable property. The provisions of subsection (2) shall be deemed to apply to such occupiers and for that purpose subsection (2) shall be read as if the word "occupiers" were substituted for the word "owners" wherever occurring in subsection (2).

(*f*) by inserting after the figure "(2)" in the first line of subsection (3) thereof the passage "or (2a)";

(*g*) by striking out the word "tenant" in the third and sixth lines of subsection (3) thereof and by inserting in lieu thereof in each case the words "owner or, as the case may be, occupier" and by striking out the word "tenants" in the seventh line of subsection (3) thereof and by inserting in lieu thereof the word "owners" and by inserting after the word "three" in the eighth line of subsection (3) thereof the words "and the total number of such occupiers entitled to vote shall not exceed three";

(*h*) by adding at the end thereof the following subsection:—

(4) If two or more persons are enrolled on the voters' roll for the area or any ward thereof both as owners and as occupiers of the same ratable property and no nomination is made as provided by subsection (2), then for the purpose of ascertaining which of those persons shall be entitled to vote as occupiers, regard shall not be had to those of such persons who by virtue of this section are entitled to vote as owners.

Amendment of principal Act, s. 117— Voting rights.

17. Section 117 of the principal Act is amended by adding at the end of subsection (2) thereof the words "This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI."

Amendment of principal Act, s. 118— Voting rights.

18. Section 118 of the principal Act is amended by adding at the end thereof the following subsection (the preceding part of the said section being read as subsection (1) thereof) :—

(2) This section shall not apply to any area which is not subject to the provisions of Division I. of Part VI.

Amendment of principal Act, s. 126— Scrutiny.

19. Section 126 of the principal Act is amended by adding thereto after paragraph v. thereof the following paragraph :—

VI. The returning officer, the deputy returning officer, the poll clerks and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

Amendment of principal Act, s. 127— Scrutiny.

20. Section 127 of the principal Act is amended by adding thereto after paragraph II. thereof the following paragraph :—

III. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

Amendment of principal Act, s. 128— Destruction of voting papers.

21. Section 128 of the principal Act is amended by striking out the words " one month " in the first line thereof and by inserting in lieu thereof the words " three months ".

Amendment of principal Act, s. 137— Supplementary election.

22. Section 137 of the principal Act is amended by striking out the words " immediately upon " in the second line thereof and by inserting in lieu thereof the words " within fourteen days after ".

Amendment of principal Act—

23. Part VII. of the principal Act is amended by adding at the end thereof the following section :—

Provision as to deposits.

142a. (1) The deposit made by or on behalf of a candidate at any election within the Municipality of the City of Adelaide for the office of mayor, alderman, or councillor, shall be retained pending the election and after the election shall be returned to the candidate or to any person authorized by him in writing to receive it if the candidate is elected or obtains the prescribed number of votes or more ; otherwise the deposit shall be forfeited to the council.

(2) A candidate in any election shall be deemed to have obtained the prescribed number of votes if the number of votes polled in his favour is one-fifth of the number of votes polled for any other candidate who was elected at that election.

(3) If a candidate nominated for any election dies before or on the day fixed for taking votes for that election, the deposit made by or on behalf of the candidate shall be returned to his personal representatives.

Amendment of principal Act, s. 144—

24. Section 144 of the principal Act is amended—

Place of meetings.

(*a*) by striking out the word " other " in the second line thereof; and

(*b*) by inserting after the word " places " in the second line the words " within the area ".

Amendment of principal Act, s. 147—

25. Section 147 of the principal Act is amended—

Voting by mayor.

(*a*) by striking out the words " or other member presiding at a meeting of a municipal council " in paragraph v. thereof;

(*b*) by adding at the end of paragraph v. thereof the words " and any other member presiding at a meeting of a municipal council shall have a deliberative vote, and, in case of equality of votes, a casting vote also ".

Amendment of principal Act—

26. (1) The principal Act is amended by inserting therein after Part IX. the following Part :—

PART IXa.—THE CLERKS' APPEAL BOARD.

Interpretation.

163a. In this Part " board " means The Clerks' Appeal Board.

Constitution of board.

163b. (1) There shall be a board to be called " The Clerks' Appeal Board ".

(2) The board shall consist of—

(*a*) the president and the secretary for the time being of the Local Government Association :

(*b*) the president and the secretary for the time being of the Local Government Officers' Association of South Australia, Incorporated :

(*c*) the vice-president of the Municipal Association.

(3) If any appeal is made to the board by the clerk of any council and—

(*a*) the person appealing is a member of the board; or

(*b*) any member of the board is also a mayor, alderman or councillor of that council,

then in either case, the member shall not, for the purposes of that appeal, act as a member of the board.

In any such case, the association which is represented by such member shall, at least seven days before the day appointed for the hearing of the appeal, by notice in writing given to the Minister nominate a member of that association to act as a member of the board for the purposes of the appeal and, failing nomination as aforesaid, the Minister shall appoint a person to act as a member of the board for the purposes of the appeal. Every person so nominated or appointed shall, for the purposes of the appeal, be deemed to be a member of the board.

(4) If any of the said associations is dissolved, the Minister may by notice published in the *Gazette* declare—

(*a*) that for the purposes of this Part, some other association specified by the Minister which has similar objects to the dissolved association, shall be deemed to be substituted for the dissolved association; and

(*b*) that such officer or officers of the substituted association as are specified by the Minister shall be a member or members of the board in the place of the officer or officers of the dissolved association who are members of the board.

The provisions of this Part shall be construed so as to give effect to any such notice.

General powers of board.

163c. The board shall hear and determine appeals as by this Part provided.

Quorum.

163d. Any three members of the board shall constitute a quorum of the board and may exercise any of the powers of the board.

Chairman.

163e. (1) The vice-president of the Municipal Association shall be the chairman of the board.

(2) In the absence of the chairman from any meeting or part thereof the members of the board then present shall elect a member to preside at the meeting.

(3) The person presiding at any meeting shall have both a deliberative and a casting vote.

Right of appeal.

163f. If any clerk is—

(*a*) dismissed; or

(*b*) suspended; or

(*c*) reduced in status,

by the council by which he is employed, he may within thirty days of the giving of the decision of the council,

by notice in writing given to any member of the board, appeal to the board against the decision of the council.

Determination by board.

163g. (1) Subject to subsection (3), the board shall hear and determine any appeal in such manner as appears to the board to be just.

(2) Every such determination shall be binding on the council.

(3) The board may decline to hear or determine any appeal which appears from the notice of appeal to be merely trivial, frivolous, or vexatious.

Costs of appeal.

163h. (1) On any appeal the board may make any order it deems just, requiring either party to pay any amount to the other party by way of costs of the appeal, but no such order shall be made for any amount exceeding one-half of the costs actually incurred by the party to whom costs are awarded.

(2) Any costs ordered to be paid as aforesaid may be recovered in any court of competent jurisdiction as a debt due to the party to whom it is payable.

Expenses.

163i. (1) A member of the board shall be paid by the association of which he is an officer and by virtue of which official position he is a member of the board, such fees and expenses as are fixed by that association.

(2) The expenses of the board shall be borne by the associations mentioned in section 163b in equal proportions.

Regulations.

163j. The Governor may make regulations for—

(*a*) the form of appeal:

(*b*) the procedure of the board:

(*c*) generally carrying out the purposes and provisions of and to prescribe the procedure under this Part.

(2) Section 3 of the principal Act is amended by inserting therein after the line "Part IX.—Officers of the Council" the following line:—

PART IXa.—THE CLERKS' APPEAL BOARD.

Amendment of principal Act, Part X., Division I.—

27. Division I. of Part X. of the principal Act is amended by inserting therein after section 164 the following sections:—

Appointment of valuator.

164a. (1) Every assessment by the council shall be made by a valuator or valuators appointed by the council.

(2) Every valuator, before entering upon his duties, shall make and subscribe a declaration in the form No. 1 in the twenty-second schedule. Every such declaration shall be filed in the office.

(3) An assessment shall be certified by the valuator in the form No. 2 in the twenty-second schedule.

Time of making and approving assessment.

164b. The valuator or valuators appointed to make an assessment in respect of any financial year may be appointed and the assessment may be made before the commencement of that financial year, but no assessment in respect of any financial year shall be approved or adopted by the council except after the commencement of that financial year.

Amendment of principal Act, s. 169—Assessment of certain lands.

28. Section 169 of the principal Act is amended by striking out the words " or parts of land and buildings or land situated in any district " in the first and second lines of subsection (2) thereof and by inserting in lieu thereof the words " situated in any district or in any municipality other than a metropolitan municipality ".

Amendment of principal Act, Part X., Division I.—

29. Division I. of Part X. of the principal Act is amended by inserting therein after section 172 the following section :—

Provision as to certain occupiers.

172a. In any case where the council is satisfied that—

(*a*) the owner of any ratable property is a married woman ; and

(*b*) the ratable property is used only for the purposes of a dwelling-house and its appurtenances which is inhabited by the married woman, and her husband, and their family, household, and dependents, and no others,

the husband shall, in the absence of proof to the contrary, be deemed to be the occupier of the ratable property and may be included in the assessment book as the occupier of the ratable property.

Amendment of principal Act, s. 173—Basis of assessment.

30. (1) Section 173 of the principal Act is amended—

(*a*) by striking out the words " for a term not less than seven years " in paragraph 1. of subsection (2) thereof, and by inserting in lieu thereof the words " from year to year " ; and

(*b*) by striking out the words " for a term of seven years " in paragraph 1. of subsection (3) thereof and by inserting in lieu thereof the words " from year to year ".

(2) The amendments made by this section shall take effect from the first day of July, nineteen hundred and thirty-nine.

Amendment of principal Act, s. 173—Assessment.

31. Section 173 of the principal Act is amended by striking out the words " or at five per centum of the capital value of the fee simple " in paragraph I. of subsection (3) thereof and by inserting in lieu thereof the words " but so that no such building and land or land shall be assessed at an annual value which is less than five per centum of the value of the fee simple thereof ".

Amendment of principal Act, s. 188—Alteration of land assessment.

32. Section 188 of the principal Act is amended by adding at the end of subsection (1) thereof the words " The council shall pay to the Commissioner of Taxes eightpence per folio of seventy-two words for every such certificate ".

Amendment of principal Act—

33. The principal Act is amended by inserting therein after section 196 thereof the following section :—

Request for poll.

196a. If one hundred or more ratepayers request the council in writing to take a poll as provided by section 197, the council shall hold a poll as provided by that section.

Amendment of principal Act, s. 197—Poll.

34. Section 197 of the principal Act is amended by striking out all the words in subsection (1) thereof after the word " taken " in the third line thereof and by inserting in lieu thereof the words " and the said owners voting at the poll have voted affirming a proposition in favour of Division III. of this Part ceasing to operate as regards the area ".

Amendment of principal Act, s. 203—Appeals.

35. Section 203 of the principal Act is amended by striking out the passage " (whether under this Act or any repealed Act)" in the second line thereof and by inserting in lieu thereof the passage " (including any assessment adopted by the council) ".

Amendment of principal Act, ss. 204 and 205—Appeals against assessments.

36. (1) Section 204 of the principal Act is amended—

(*a*) by inserting after the word " council " in the second line thereof the words " and except where the appellant appeals pursuant to subdivision II. of section 203 in respect of ratable property of which he is neither the owner nor the occupier "; and

(*b*) by inserting therein after subsection (2) thereof the following subsection :—

(2a) Where the appellant appeals pursuant to subdivision II. of section 203 against the assessment or any alteration thereof or addition thereto

in respect of any ratable property of which the appellant is neither the owner nor the occupier, the appeal shall be made direct to the local court of full jurisdiction nearest to the office.

(2) Section 205 of the principal Act is amended—

(*a*) by inserting after the word "court" in the third line thereof the words "or to the local court pursuant to subsection (2a) of section 204"; and

(*b*) by inserting after the word "court" in the second line of paragraph VIII. thereof the words "and appeals to the local court pursuant to subsection (2a) of section 204".

Amendment of principal Act, s. 227—Poll for rate.

37. Subsection (2) of section 227 of the principal Act is repealed, and the following subsections are enacted in lieu thereof:—

(2) The requisite number of ratepayers may demand a poll by thereupon giving notice in writing to the chairman of the meeting or to the clerk, or by giving notice in writing to the clerk at any time during the day upon which the meeting was held or during the day subsequent thereto.

(2a) The requisite number of ratepayers for the purpose of subsection (2) shall, in the case of a municipality, be one hundred ratepayers or one-twentieth of the total number of ratepayers on the voters' roll, whichever is the less, and in the case of a district, be twenty-one ratepayers.

(2b) The decision of the chairman of the meeting on the question whether or not any such demand has been duly made shall be final.

Amendment of principal Act, Part XII., Division I.—

38. (1) Division I. of Part XII. of the principal Act is amended by inserting therein after the heading "(*c*) *Provisions Applicable to Districts only*" the following section:—

Minimum rates.

233a. (1) Any district council may for any financial year fix a minimum amount (but not exceeding two shillings and sixpence) which shall be payable by way of rates on ratable properties within the district; and if the total of the general rates and any other rates payable in respect of any one ratable property in any financial year is less than the minimum amount fixed as aforesaid for that year, the said minimum amount shall nevertheless be payable in respect of the said ratable property.

(2) If any ratable property adjoins any other ratable property which is owned by the same owner and occupied by the same occupier as the owner and occupier of the

first mentioned property, all such adjoining ratable properties shall be deemed to be one ratable property for the purpose of the payment of any minimum rate fixed as aforesaid.

(2) Section 228 of the principal Act is amended—

(*a*) by striking out the word "metropolitan" in the first line thereof; and

(*b*) by striking out subsection (3) thereof.

Amendment of principal Act, s. 251—Liability of owner.

39. Section 251 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) A person who becomes the owner of any ratable property by reason of being a mortgagee in possession shall not be liable, in respect of that ratable property, to the payment of any rates declared in respect of any financial year previous to the financial year in which he becomes the owner as aforesaid. Nothing in this subsection shall be deemed to limit the powers of the council under Part XIV.

Amendment of principal Act, s. 255—Liability of owner.

40. Section 255 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) A person who becomes the owner of any ratable property by reason of being a mortgagee in possession shall not be liable, in respect of that ratable property, to the payment of any rates declared in respect of any financial year previous to the financial year in which he becomes the owner as aforesaid. Nothing in this subsection shall be deemed to limit the powers of the council under Part XIV.

Amendment of principal Act, s. 286—Banking account.

41. Section 286 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph :—

Notwithstanding the provisions of The Savings Bank of South Australia Act, 1929-1935, a council may deposit in the Savings Bank of South Australia any of its moneys without restriction as to amount.

Amendment of principal Act, s. 287—Expenditure by council.

42. (1) Subsection (1) of section 287 of the principal Act is amended by inserting therein after paragraph (*h*) thereof the following paragraph :—

(*h*1) subscribing to any fund for the relief of persons who served as sailors or soldiers in the Great War of 1914-1918 or of their dependents :

(2) The amendment made by this section shall be deemed to have been made and councils shall be deemed to have had the powers conferred by the said amendment as from the first day of July, nineteen hundred and thirty-seven.

Amendment of principal Act, s. 287—Expenditure by council.

43. Section 287 of the principal Act is amended by striking out the proviso to paragraph (*e*) of subsection (1) thereof.

Amendment of principal Act, s. 287—Expenditure of revenue.

44. (1) Section 287 of the principal Act is amended by inserting in subsection (1) thereof after paragraph (*g*) the following paragraph :—

(*g*1) purchasing and erecting, or contributing to the purchase and erection, of monuments and statuary in the area :

(2) Paragraph (*c*) of subsection (1) of section 288 of the principal Act is repealed.

Repeal of s. 291 of the principal Act.

45. Section 291 of the principal Act is repealed.

Amendment of principal Act, s. 296—Annual statement.

46. Section 296 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) In addition to the matters provided for by subsection (3), the said statement shall be drawn up in such form as to show the separate amounts subscribed by the council pursuant to paragraph (*f*) or paragraph (*h*1) of subsection (1) of section 287.

Amendment of principal Act, s. 306.—Vesting of public streets and roads.

47. Section 306 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) Notwithstanding any law to the contrary, possession by any person of any public street or road (whether before or after the passing of the Local Government Act Amendment Act, 1938) shall not give any rights of ownership to that person.

Amendment of principal Act, Part XVII., Division IV.—Removal of street from register.

48. Division IV. of Part XVII. of the principal Act is amended by inserting therein after section 313 the following section :—

313a. If all the owners of property abutting upon any street or road request the council in writing to remove the street or road from the register of public streets, the council may by resolution direct that the street or road be removed from the said register. The town clerk shall thereupon alter the register accordingly.

Amendment of principal Act, s. 319—Moieties for road construction.

49. Section 319 of the principal Act is amended by inserting after the word "from" in the fourth line of subsection (3) thereof the words "the expiration of three months after".

Amendment of principal Act, s. 328—Moieties for footways.

50. Section 328 of the principal Act is amended by inserting after the word "from" in the third line of subsection (3) thereof the words "the expiration of three months after".

Amendment of principal Act, s. 328—Paving of footways.

51. Section 328 of the principal Act is amended by striking out the word "stone" in the third line of subsection (6) thereof.

Amendment of principal Act, s. 330—
Payments for paving.

52. Section 330 of the principal Act is amended by inserting after the word " from " in the fifth line of subsection (3) thereof the words " the expiration of three months after ".

Amendment of principal Act, Part XVII., Division VIII.—
Saving provision.

53. Division VIII. of Part XVII. is amended by inserting therein after section 337 the following section :—

337a. Notwithstanding the preceding provisions of this Division, the council may make, remove, or repair any crossing place either wholly or partly at the cost of the council.

Amendment of principal Act, s. 342—
Payments for private streets.

54. Section 342 of the principal Act is amended by inserting after the word " from " in the fourth line of subsection (10) thereof the words " the expiration of three months after".

Amendment of principal Act, s. 342—
Repairs to private street in City of Adelaide.

55. Section 342 of the principal Act is amended by inserting after subsection (11) thereof the following subsection :—

(11a) The council may carry out the work of repairing any private street or road to the extent in this subsection mentioned without preparing plans and specifications, estimates and a provisional apportionment and without serving notice thereof upon owners of property, and may apportion the cost thereof and recover the same as provided in this section.

The provisions of this subsection shall apply only where the cost to be apportioned and recovered does not exceed the following amounts :—

I. In private streets and roads wherein the total length of the frontages of the abutting property does not exceed two hundred feet—three pounds :

II. In private streets and roads wherein the total lengths of the frontages of the abutting property exceeds two hundred feet—five pounds :

III. In private streets and roads which are situated within the portion of the City of Adelaide bounded by North Terrace, Pulteney Street, Flinders Street and Franklin Street, and Morphett Street and wherein the length of the frontages of the abutting properties exceeds two hundred feet —eight pounds.

Amendment of principal Act, s. 343—
Payments for private streets.

56. Section 343 of the principal Act is amended by striking out the words " twenty-one days " in the fourth line of subsection (5) thereof and by inserting in lieu thereof the words " three months ".

Amendment of principal Act, Part XVII., Division X.—
Construction and repair of private streets and roads.

57. Division X. of Part XVII. of the principal Act is amended by inserting therein after section 344 the following section :—

344a. (1) If a request in writing is presented to the council signed by not less than three-fourths of the owners of ratable property abutting on a private street or road,

or any part thereof, requesting the council to form, level, pave, kerb, drain, or repair the private street or road, or part thereof, the council may carry out the work and recover from all the persons who, at the time of the completion of the work, are owners of ratable property abutting on the private street or road or part thereof the whole of the expenses incurred by the council in carrying out the work (including the cost, if any, of supervision incurred by the council but not exceeding five per centum of the total expenses) ratably according to the frontages of the ratable property abutting on the private street or road or part thereof.

(2) In any case where property abutting on any such private street or road, or part thereof, is not ratable property, the proportion of the said expenses payable in respect of the said property shall be paid by the council out of moneys of the council.

(3) The respective proportions of the expenses incurred by the council as aforesaid together with interest thereof at the rate of six pounds per centum per annum calculated from three months after the date of the completion of the work may be recovered by the council from the owners of the said ratable property at the time of the completion of the work and until fully paid or recovered shall from the said date of completion be a charge upon the land in respect whereof the same is due and payable under this section.

(4) A document purporting to be a certificate under the hand of the mayor or chairman and the clerk shall be *prima facie* evidence in all courts—

(*a*) that the work has been carried out:

(*b*) of the expenses incurred by the council in carrying out such work:

(*c*) of the proportion thereof payable by each owner:

(*d*) of the date of the completion of the work:

(*e*) that the land whereon the work was carried out was a private street or road, or part thereof, as the case may be.

(5) In this section "private street or road" includes court, alley, lane, and thoroughfare but does not include any street, road, court, alley, lane, or thoroughfare which is more than twenty feet in width.

(6) This section shall not apply within the City of Adelaide.

58. Section 348 of the principal Act is amended by striking out subsection (4) thereof and by inserting in lieu thereof the following subsection :— Amendment of principal Act, s. 348—

(4) Where any public street or road is raised or lowered by the council above or below the level of land abutting on the street or road, the council shall construct sufficient retaining walls and shall provide sufficient means of ingress and egress between the street or road and the abutting land. Provision where level of street altered.

59. Section 352 of the principal Act is amended by striking out the words "liable to contribute" in the penultimate line thereof and by inserting in lieu thereof the words "who contributes". Amendment of principal Act, s. 352— Use of streets, etc.

60. Section 358 of the principal Act is amended :— Amendment of principal Act, s. 358— Safety zones, etc.

(*a*) by striking out the word "kiosks" in the fourth line thereof and by inserting in lieu thereof the words "safety zones, or stalls for the sale of fruit, newspapers, magazines and other periodicals,"; and

(*b*) by inserting after the word "island" in the seventh line thereof the words "or safety zone".

61. Section 361 of the principal Act is amended by inserting after the word "growing" in the fourth line thereof the words "or was growing". Amendment of principal Act, s. 361— Removal of suckers of trees.

62. Section 364 of the principal Act is amended— Amendment of principal Act, s. 364— Construction of telephone lines.

(*a*) by inserting after the word "any" in the second line thereof the words "telegraph or telephone lines,";

(*b*) by inserting after the word "any" in the fifth line of subsection (3) thereof the words "telegraph or telephone line,"; and

(*c*) by inserting after the word "the" second occurring in the penultimate line thereof the words "telegraph or telephone line,".

63. Section 365 of the principal Act is amended— Amendment of principal Act, s. 365— Construction of telephone lines.

(*a*) by inserting after the word "desirous" in the second line thereof the words "of constructing telegraph or telephone lines or";

(*b*) by inserting after the word "such" in the sixth line thereof the words "telegraph or telephone line,";

(*c*) by inserting after the word " the " in the third line of subsection (7) thereof the words " telegraph or telephone line, " ; and

(*d*) by inserting after the word " the " second occurring in the penultimate line thereof the words " telegraph or telephone line, ".

Amendment of principal Act, s. 366— Water pipes in streets.

64. Section 366 of the principal Act is amended—

(*a*) by inserting before the word " road " twice occurring in the seventh line thereof in each case the words " street or " ; and

(*b*) by adding at the end thereof the words " or for the purpose of enabling owners of land abutting on the street or road to convey water to such land ".

Amendment of principal Act, Part XVII.—

65. Division XIV. of Part XVII. of the principal Act is amended by inserting therein after section 366 the following section:—

Mining on public streets and roads.

366a. Notwithstanding the provisions of the Mining Act, 1930-1931, no claim, lease, permit, licence, or other authority to mine (within the meaning of the said Act) upon or under any public street or road shall be issued or granted except with the consent of the council.

Amendment of principal Act, s. 370— Stands for vehicles.

66. Section 370 of the principal Act is amended by adding at the end of paragraph (*e*) of subsection (1) thereof the words " and prohibit the plying for hire with any such vehicle from any place other than the stand allotted to it ".

Amendment of principal Act, s. 371.— Hawking in streets.

67. Section 371 of the principal Act is amended :—

(*a*) by inserting after the word " by-law " in paragraph (*a*) of subsection (1) thereof the word " to "; and

(*b*) by inserting after the word " provided " in paragraph (*b*) of subsection (1) thereof the word " by".

Amendment of principal Act, s. 382.— Powers as to property.

68. Section 382 of the principal Act is amended by striking out paragraph (*a*) of subsection (1) thereof and by inserting in lieu thereof the following paragraph :—

(*a*) if any property is held in trust by the council or is placed under its control for any purpose the property shall be dealt with in a manner consistent with the trust or purpose :

Amendment of principal Act, s. 383— Works and undertaking.

69. Section 383 is amended by inserting after the word " halls " in the first line of paragraph xvii. of subsection (1) thereof the words " other halls ".

70. Part XXI. of the principal Act is amended by inserting therein after section 427 the following section :— Amendment of principal Act, Part XXI.—

427a. A poll with respect to a loan or held pursuant to section 435 shall be deemed to be carried unless a majority of the votes cast at the poll are against the question and unless the number of votes cast against the question is ten per centum or more of the total number of votes which could have been cast at the poll by all the persons included in the voters' roll and entitled to vote at the poll. Requisites to defeat poll.

71. (1) Section 464 of the principal Act is amended by striking out subsection (3) thereof. Amendment of principal Act— Exchange of reserves.

(2) Section 465 of the principal Act is amended—

(*a*) by striking out the words " Minister may, at any time after the exchange, on the application of the council, by memorandum or indorsement upon the instrument deposited in the General Registry Office " and by inserting in lieu thereof the words " Commissioner of Crown Lands may, by notice in writing " ; and

(*b*) by striking out the words " and thereupon the said land and the council shall, as from the date of the exchange, be discharged accordingly ".

(3) Section 466 of the principal Act is amended—

(*a*) by inserting after paragraph III. thereof the following paragraph :—

IIIa. The council shall at the time of deposit as aforesaid in the Surveyor-General's Office, pay to the Surveyor-General a fee of five pounds five shillings :

(*b*) by striking out the word " council " in the first line of paragraph IV. thereof and by inserting in lieu thereof the words " Surveyor-General " ;

(*c*) by inserting after the word " council " in subparagraph (*c*) of paragraph IV. thereof the words " and to the Surveyor-General " ; and

(*d*) by striking out the words " nor more than sixty " in subparagraph (*d*) of paragraph IV. thereof ".

(4) Section 468 of the principal Act is amended by striking out the word " Minister " wherever occurring therein and by inserting in lieu thereof in every case the words " Commissioner of Crown Lands ".

(5) The principal Act is amended by inserting therein after section 469 the following section :—

Notice to Registrar-General.

469a. Upon the publication in the *Gazette* of the confirmation of the order for exchange, the Surveyor-General shall furnish to the Registrar-General particulars of and the plans of survey relating to the land given and taken in exchange and a statement that the land has vested as provided by section 470.

(6) Section 470 of the principal Act is amended—

(*a*) by inserting before the word " confirmation " in the second line thereof the words " publication in the *Gazette* of notice of the " ;

(*b*) by striking out the words " and shall, if under the provisions of The Real Property Act, 1886, be transferred accordingly " in subsections (1) and (2) thereof ;

(*c*) by striking out subsection (3) thereof and by inserting in lieu thereof the following subsections :—

(3) If any such land is under the provisions of The Real Property Act, 1886-1936, the Registrar-General shall make such entry or alteration in the register book as may be necessary to give effect to the order.

(4) For the purposes of this section the Registrar-General may by notice in writing require any land grant or certificate of title to be delivered up by any registered proprietor or mortgagee or encumbrancee who may hold the same, for the purpose of giving effect to the order.

Any such person who neglects or refuses to deliver up any such land grant or certificate of title for such purpose within one month after the Registrar-General demands the same, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

(7) Subsection (1) of section 472 of the principal Act is amended so as to read as follows :—

(1) The Commissioner of Crown Lands, on being satisfied that the proceedings for the exchange of land have been completed, shall—

(*a*) cause to be issued in the name of the council entitled thereto a certificate or certificates of title in duplicate to the land taken in exchange by the council :

(*b*) if the land given in exchange by the council is not under The Real Property Act, 1886-1936, cause to be issued in the name of the person entitled thereto a certificate or certificates of title in duplicate to such land.

(8) Section 473 of the principal Act is amended—

(*a*) by striking out the words "after the expiration of three months from the date of the confirmation of the order of exchange"; and

(*b*) by striking out paragraphs (*a*) and (*b*) thereof.

(9) Section 474 of the principal Act is amended by striking out the word "transferee" in the last line thereof and by inserting in lieu thereof the word "proprietor".

(10) Division II of Part XXII. of the principal Act is amended by adding at the end thereof the following section:—

Provision as to pending proceedings.

474a. The provisions of sections 470, 472, 473 and 474 shall apply with respect to all proceedings under this Division for the exchange of any land which are pending at the passing of the Local Government Act Amendment Act, 1938.

(11) Form No. 3 of the fourteenth schedule to the principal Act is amended by striking out the words "Minister of Local Government shall" therein and by inserting in lieu thereof the words "Commissioner of Crown Lands may".

(12) Form No. 5 of the fourteenth schedule to the principal Act is amended—

(*a*) by striking out the words "Minister of Local Government" wherever occurring therein and by inserting in lieu thereof the words "Commissioner of Crown Lands"; and

(*b*) by striking out the words "in that" in the last line thereof and by inserting in lieu thereof the passage "subject nevertheless to such encumbrances, liens, and interests as are notified by memorial underwritten or indorsed hereon in that [*here describe the land*] upon trust [*here describe the trusts and conditions, if any, upon which the land is held*]".

Amendment of principal Act, ss. 528 and 529—

72. (1) Section 528 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection:—

Bacteriolytic tanks.

(1a) The council may by resolution passed in the manner and under the circumstances provided for by subsection (1), declare that all the buildings within the municipality,

or any part thereof, or, as the case may be, all the buildings within any township, or any part thereof, in the district, which are erected after a day fixed by the resolution, shall be provided with bacteriolytic tanks for the disposal of sewage. The council may at any time subsequent to passing a resolution pursuant to this subsection, pass a resolution under subsection (1) relating to any part of the municipality or township, as the case may be, to which a resolution under this subsection applies.

(2) Section 529 of the principal Act is amended by inserting after the word "building" in the third line thereof the passage "(to which the resolution applies)".

Amendment of principal Act—

73. (1) The principal Act is amended by inserting therein after section 536 the following section :—

Waste or impure liquids. Cf. M.C. Act, 1923, s. 263. Cf. U.K. 26 Geo. 5 & 1 Edw. 8, c. 49, s. 92.

536a. (1) No person shall within any municipality or within any township within any district—

(*a*) suffer waste or impure water, liquid, or matter to remain within any building of which he is the owner or occupier for twenty-four hours after notice is given to him by any inspector or authorised officer of the council to remove the same ; or

(*b*) without the consent of the council deposit or suffer or allow to flow any water (other than storm or seepage waters) or liquid matter upon any street, road, or public place.

(2) Any person who offends against subsection (1) shall be guilty of an offence and liable to a penalty not exceeding five pounds, and to a further penalty not exeeeding ten shillings for every day during which the offence is continued.

(2) Section 545 of the principal Act is repealed.

Amendment of principal Act, s. 548— Refuse, &c.

74. Section 548 of the principal Act is amended by inserting after the word "from" in the fifth line thereof the words "tins, garden refuse,".

Amendment of principal Act, Part XXVI., Division II.—

75. Division II. of Part XXVI. of the principal Act is amended by inserting therein after section 550 the following section :—

Extensions to private hospitals and maternity homes.

550a. (1) Notwithstanding anything contained in section 146 of the Health Act, 1935, no person shall extend or add to a private hospital or maternity home (not being a "hospital" within the meaning of section

541 of this Act) at any place within a municipality until after the expiration of three months from his giving to the council of the municipality a notice in writing stating—

(*a*) the intention to make the extension or addition to the private hospital or maternity home:

(*b*) the proposed site thereof:

(*c*) the purpose for which the said extension or addition is to be used:

(*d*) the name and address for service of the person intending to make such extension or addition.

(2) The notice shall be accompanied by a plan which shall show the distance of the said extension or addition from the nearest building on every side thereof.

(3) The person intending to make the said extension or addition shall for six weeks immediately after giving the said notice, cause a copy of the notice to be affixed and kept affixed on a board or prominent position on the site of the said proposed extension or addition in such a position that it can be read by persons passing along the footway in front of the proposed extension or addition.

(4) Within six weeks after the receipt of the notice mentioned in subsection (1) hereof any owner or occupier of ratable property in the neighbourhood of the said proposed extensions or additions may present a petition to the council praying that the proposed extension or addition shall be prohibited.

(5) Within three months after the receipt of the notice mentioned in subsection (1) the council may (whether a petition has been presented under subsection (4) or not) if it is of opinion that the proposed extension or addition is unsuitable, or that, if made, would be likely to be injurious or detrimental to the health, welfare or comfort of the inhabitants in the neighbourhood thereof, by notice under the hand of the town clerk served on the person named in the notice under subsection (1), prohibit the extension or addition. The notice by the council shall be deemed to be duly served on the said person if served personally on the said person or left at the address for service stated in the notice under subsection (1) hereof.

(6) Any person who makes any extension or addition to a private hospital or home contrary to the provisions of subsection (1) hereof or without furnishing the plan mentioned in subsection (2) hereof, or without having affixed or kept affixed the copy of the notice in accordance

with subsection (3) hereof, or after service upon him of a notice under subsection (5) hereof, shall be guilty of an offence and liable to a penalty not exceeding two pounds for every day during which the offence continues.

Amendment of principal Act, s. 555—Powers of Central Board of Health.

76. Section 555 of the principal Act is amended by striking out the word " or " in the second line of subsection (2) thereof and by inserting in lieu thereof the word " and ".

Amendment of principal Act, s. 591—Conveyance of cemetery.

77. Section 591 of the principal Act is amended :—

(*a*) by striking out the word " public " in the second line thereof; and

(*b*) by striking out the words " original trusts " in subsection (4) thereof and by inserting in lieu thereof the words " trusts upon which the council will hold the cemetery ".

Amendment of principal Act, Part XXX.—

78. Part XXX. of the principal Act is amended by inserting therein after section 591 the following section :—

Power to set apart portion of cemetery for religious denomination.

591a. The council may set apart any portion of any cemetery vested in or under the care, control, and management of the council for the burial of persons of any particular religious denomination.

Amendment of principal Act, s. 667—By-laws.

79. Section 667 of the principal Act is amended by striking out the word " undergrowth " in the third line of paragraph (23) thereof and by inserting in lieu thereof the words " grass, weeds, and other growth ".

Amendment of principal Act, s. 667—Rubbish tips.

80. Section 667 of the principal Act is amended by inserting therein after paragraph (39) the following paragraph :—

(39a) For preventing or regulating rubbish tips or the depositing of rubbish :

Amendment of principal Act, s. 667—By-laws.

81. Section 667 of the principal Act is amended by inserting after the word " paragraph " in the fifth line of subdivision VI. of paragraph (47) thereof the passage " (whether or not any route has been fixed pursuant to the said subdivision) ".

Amendment of principal Act, s. 667—By-laws.

82. Paragraph (47) of section 667 of the principal Act is amended by inserting therein after subdivision VI. thereof the following subdivision:—

VIA. For requiring persons driving vehicles laden as mentioned in subdivision V. or VI. of this paragraph which are proceeding in or along any street, road, or public place upon which persons are prohibited to

drive vehicles laden as mentioned in subdivision v. or vi. of this paragraph, to weigh such vehicles for the purpose of ascertaining the weight of the load thereof, when required so to do by any officer of the council:

Amendment of principal Act, s. 670—Verandahs.

83. Section 670 of the principal Act is amended by inserting therein after paragraph (12) thereof the following paragraph :—

(12a) For compelling verandahs and balconies over streets and roads within any township within the district to be kept clean and watertight :

Amendment of principal Act, s. 695—Service of notices upon council.

84. Section 695 of the principal Act is amended by adding at the end thereof the following words " Every notice or other proceeding (not being a summons or writ) required to be served on a council under this Act or, subject to any provisions of any other Act, under such other Act, may also be served by post ".

Amendment of principal Act, s. 696—Notice by council.

85. Section 696 of the principal Act is amended by striking out the word " and " in the last line thereof and by inserting in lieu thereof the word "or ".

Amendment of principal Act, s. 710—Proceedings to test elections.

86. Section 710 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) If, in any proceedings before a court of summary jurisdiction to try the title of a mayor, alderman, or councillor, proof is given that in the election whereby the mayor, alderman, or councillor was elected—

(*a*) any person was supplied with a voting paper who under this Act was not entitled to vote at the election ; or

(*b*) any voting paper was counted which under this Act should have been rejected,

and if proof is given that the total number of such voting papers is equal to or exceeds the majority of the votes at the election by which the mayor, alderman, or councillor was elected, the court shall (without limitation of any other powers of the court) declare the mayor, alderman, or councillor, as the case may be, to be not entitled to that office and the said office to be vacant.

Amendment of principal Act, s. 739—Evidence of by-laws.

87. Section 739 of the principal Act is amended by striking out the word " and " in the second and the tenth lines thereof and by inserting in lieu thereof in each case the word " or ".

Amendment of principal Act, s. 742—Evidence.

88. Section 742 of the principal Act is amended by striking out the word " and " in the fifth line thereof and by inserting in lieu thereof the word " or ".

Amendment of principal Act, Part XLII.—

89. Part XLII. of the principal Act is amended by inserting therein after section 769 the following section :—

Impersonating officers.

769a. Any person who falsely represents himself to be an officer of the council shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

Amendment of principal Act, Part XLII.—

90. Part XLII. of the principal Act is amended by inserting therein after section 780 the following section :—

Erecting fences, etc., so as to encroach on roadway.

780a. (1) Any person who erects any fence, barrier, or similar structure on any street or road shall, unless the fence, barrier, or similar structure is erected under the authority of this or any other Act, be guilty of an offence and liable to a penalty not exceeding ten pounds.

(2) The council may remove any fence, barrier, or other structure erected contrary to this section and may recover the cost of removal from the person who erected the same.

(3) In any proceedings under subsection (1) or subsection (2), the onus of proof that any fence, barrier, or structure is erected under the authority of this or any other Act, shall be upon the defendant.

Amendment of principal Act, s. 796—Demand for poll.

91. Section 796 of the principal Act is amended—

(*a*) by striking out the words "Any twenty-one" in the fifth line of paragraph II. thereof and by inserting in lieu thereof the words "The requisite number of"; and

(*b*) by striking out all the words in the last four lines thereof and by inserting in lieu thereof the following passage :—

The requisite number of ratepayers for the purposes of this section shall, in the case of a municipality, be one hundred ratepayers or one-twentieth of the total number of ratepayers on the voters' roll, whichever is the less, and in the case of a district be twenty-one ratepayers.

The decision of the chairman of the meeting on the question whether or not any such demand has been duly made shall be final.

Amendment of principal Act, s. 797—Polls.

92. Section 797 of the principal Act is amended—

(*a*) by inserting after paragraph I. thereof the following :—

Ia. In the case of a poll in compliance with section 435, the council shall fix a day for the taking of the poll:

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

(2) The following provisions shall apply to any poll authorised to be taken under this Act, except a poll to be taken on the question of a loan or the carrying out of the work or undertaking proposed in a scheme:—

I. Where the poll is to be held in compliance with any demand authorised to be made by this Act, the clerk shall fix a day for the taking of the poll which shall not be less than twenty-one, nor more than twenty-five, clear days after the delivery of the demand for the poll: Provided that this paragraph shall not apply to any poll held under section 227 in which case the day for the poll shall be appointed as provided by that section:

II. Where the poll is not held in compliance with any such demand, the council shall fix a day for the taking of the poll:

III. Public notice that the poll will be taken on the day fixed as aforesaid shall be forthwith given:

IV. On the said day the poll shall be taken.

Amendment of principal Act, s. 809—Voting rights.

93. Section 809 of the principal Act is amended by adding at the end of subsection (2) thereof the words "This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI.".

Amendment of principal Act, s. 810—Voting rights.

94. Section 810 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) This section shall not apply to any area which is not subject to the provisions of Division I. of Part VI.

Amendments principal Act, s. 817—Voting at polls.

95. Section 817 of the principal Act is amended—

(*a*) by striking out the words "If two or more joint tenants or tenants in common of any ratable property are enrolled on the voters' roll" in subsection (1) thereof and by inserting in lieu thereof the following words "If two or more persons are enrolled on the voters' roll as owners of the same ratable property";

(*b*) by striking out the word " tenants " wherever occurring in paragraphs I., II. and IV. of subsection (1) thereof and by inserting in lieu thereof in every case the word " owners " ;

(*c*) by inserting after the word " any " in the last line of paragraph I. of subsection (1) thereof the word " financial " ;

(*d*) by inserting therein after subsection (1) thereof the following subsection :—

(1a) At every poll at which the scale of voting is as provided by section 816, if two or more persons are enrolled on the voters' roll as occupiers of the same ratable property, such one of the occupiers may vote at the poll as is prescribed by subsection (1) with respect to owners of ratable property. The provisions of subsection (1) shall be deemed to apply to such occupiers and for that purpose subsection (1) shall be read as if the word " occupiers " were substituted for the word " owners " wherever occurring in subsection (1).

If two or more persons are enrolled on the voters' roll both as owners and as occupiers of the same ratable property and no nomination is made as provided by subsection (1), then for the purpose of ascertaining which of those persons shall be entitled to vote as occupier, regard shall not be had to that one of those persons who by virtue of this section is entitled to vote as owner.

(*e*) by striking out the words " and (3) " in the second and third lines of subsection (2) thereof and by inserting in lieu thereof the words "(2a), (3) and (4)."

(*f*) by striking out the words " joint tenants and tenant-in common " in the third and fourth lines of subsection (2) thereof and by inserting in lieu thereof the words " persons who are enrolled on the voters' roll as owners, or, as the case may be, occupiers, of the same ratable property " ; and

(*g*) by adding at the end thereof the following subsection :—

(3) If, pursuant to section 100, a company or body corporate has nominated more than one person to be enrolled on the voters' roll as provided by section 100, the following provisions shall apply to every poll at which the scale of voting is as provided by section 816 :—

I. That one of the said persons so nominated whose name, in alphabetical progression first according to surnames and then to

Christian names, is first in order on the voters' roll, only shall be entitled to vote in a representative capacity at the poll:

II. In the event of there being more persons than one entitled to vote according to this subsection, the person so entitled first claiming to vote shall be entitled to vote in a representative capacity, but in no case shall more than one such person vote:

III. The clerk shall cause the voters' roll and the copies thereof to be marked so as to show which of any such persons is entitled to vote.

At any poll at which the scale of voting is not as provided by section 816 the provisions of section 100 shall apply to the voting of persons nominated as aforesaid.

96. Section 824 of the principal Act is amended by adding thereto after paragraph IV. thereof the following paragraph:— Amendment of principal Act, s. 824— Scrutiny.

V. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

97. Section 825 of the principal Act is amended by adding thereto after paragraph II. thereof the following paragraph :— Amendment of principal Act, s. 825— Scrutiny.

III. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

98. Section 827 of the principal Act is amended by striking out the words " one month " in the second line thereof and by inserting in lieu thereof the words " three months ". Amendment of principal Act, s. 827— Destruction of voting papers.

99. Section 831 of the principal Act is amended by inserting after the word " Governor " in the second line of subsection (2) thereof the words " by proclamation ". Amendment of principal Act, s. 831— Provision where time for poll extended.

100. Paragraph (*c*) of subsection (2) of section 833 of the principal Act is amended by adding thereto after the word " witness " the words " or of a ratepayer ". Amendment of principal Act, s. 833— Application for postal vote.

101. Section 834 of the principal Act is amended— Amendment of principal Act, s. 834— Duty of witnesses.

(*a*) by striking out the words " An authorised witness shall not " in the first line thereof and by inserting in lieu thereof the words " No person shall " ;

(*b*) by striking out the words "authorised witness" in the twelfth and fifteenth lines thereof and by inserting in lieu thereof in each case the word "person"; and

(*c*) by striking out the words "authorised witness" in the first line of subsection (3) thereof and by inserting in lieu thereof the words "person witnessing an application".

Amendment of principal Act, s. 840—Authorised witnesses.

102. Section 840 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraphs :—

VI. The returning officer for the election or poll :

VII. The clerk.

Amendment of principal Act.

103. Section 858 of the principal Act is amended by inserting after the passage "Part XLIII." in the penultimate line of paragraph II. thereof the passage "and section 427a".

Amendment of principal Act, s. 874—Copies of by-laws.

104. Section 874 of the principal Act is amended by striking out the word "and" in the fourth line thereof and by inserting in lieu thereof the word "or".

Repeal of principal Act, ss. 890, 892, 900-906.

105. Sections 890 and 892 and sections 900 to 906 (both inclusive) of the principal Act are repealed.

Amendment of principal Act—Forms of voting papers.

106. (1) Form No. 4 of the fifth schedule to the principal Act is amended by adding at the end thereof the following paragraph :—

The name of the candidate (*or* of every candidate) for whom the voter intends to vote must be indicated by a cross having its point of intersection within the square opposite the name of the candidate (*or* of every such candidate).

(2) Form No. 1 of the eighteenth schedule to the principal Act is amended by adding at the end thereof the following paragraph :—

A vote must be indicated by a cross having its point of intersection within one of the above squares.

Amendment of principal Act, nineteenth schedule.

107. The nineteenth schedule to the principal Act is amended—

(*a*) by striking out the word "*authorised*" in each of the lines "[*Signature of authorised witness*]" and [*State qualifications of authorised witness*]" in form No. 1 therein ;

(*b*) by striking out the words "An authorised witness shall not" in the last paragraph of form No. 1 therein and by inserting in lieu thereof the words "No person shall" ; and

(*c*) by inserting after the paragraph "(*e*) Bank managers" in form No. 3 therein the following paragraphs :—

(*f*) The returning officer.

(*g*) The town (*or* district) clerk.

Amendment of principal Act.

108. The principal Act is amended by adding at the end thereof the following schedule :—

THE TWENTY-SECOND SCHEDULE.

FORM NO. 1.

Declaration by Valuator.

I,....., of....., in the State of South Australia, a valuator appointed by the .....Council of....., do solemnly and sincerely declare that I will impartially and truly, according to the best of my judgment, make a fair assessment of the several properties to be assessed by me under the provisions of the Local Government Act, 1934.

Declared at ,
this day of ,
19 , before me

A Justice of the Peace in and for the State of South Australia [*or as the case may be*].

Filed at the {Town / District} Office on the.....day of .....19...

, Clerk.

FORM NO. 2.

Certificate of Assessment.

I (*or* We),....., of....., a valuator (*or* the valuators) appointed by the..... ..... Council of....., do hereby certify that I (*or* we) have made the assessment (*identify the assessment*).

[Signed] , Valuator (or Valuators).

Amendment of principal Act.

109. 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.

W. DUGAN, Governor.

THE SCHEDULE.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1936.

Section amended.	How amended.
Section 5 (1). Definition of "Government assessment"	After "1927" the words "or the Land Tax Act, 1936" are inserted.
Section 5 (1). Definition of "land value"	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 5 (1). Definition of "ratable property"	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936" are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909" wherever occurring.
Section 180 (1)	After "1927" the words "or, as the case may require, the Land Tax Act, 1936" are inserted.
Section 181 (1)	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 184 (8)	After "1927" the words "or, as the case may be, the Land Tax Act, 1936" are inserted.
Section 188 (1)	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 235	The figure "X" is substituted for the figure "IX".
Section 262 (6)	All the words in the first three lines of subsection (6) of section 262 are struck out and in lieu thereof the following words are inserted "The provisions of sections 18 to 29 (both inclusive), 32, 34, 38, and 43 to 46 (both inclusive) of the Landlord and Tenant Act, 1936, shall"
Section 284 VI.	The word "or" is substituted for the word "of" in the first line.
Section 288 (1)	The word "the" first occurring in the first line of subsection (1) of section 288 is struck out.
Section 338 (4)	The words "the South Australian Railways Commissioner's Act, 1936" are substituted for the words "The South Australian Railways Commissioners Act, 1887".
Section 339 (5)	The words "the South Australian Railways Commissioner's Act, 1936" are substituted for the words "The South Australian Railways Commissioners Act, 1887".
Section 439 (2)	The word "anywise" is substituted for the word "any" in the first line of subsection (2) of section 439.
Section 562 (3)	The words "the Health Act, 1935" are substituted for the words "The Health Act, 1898".
Section 716	The word "proceedings" is substituted for the word "proceeding".
Section 731 (1)	After "1927" the words "or the Land Tax Act, 1936", are inserted.
Section 885	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936", are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909".
Section 886 (2)	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936", are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909".

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

(2) Any such draft rules may, *inter alia* and notwithstanding subsection (2) of section 27 of this Act provide for—

(*a*) transferring to a general reserve fund, money from any fund established by the society or any branch thereof, for assuring sickness or death benefits:

(*b*) the distribution of any such general reserve fund.

Where any draft rules provide for so transferring money, but do not provide for the distribution of the reserve fund, the committee of management of the society shall before the thirty-first day of December, nineteen hundred and thirty-nine, draw up and submit to the Public Actuary additional draft rules providing for the distribution of the said reserve fund.

(3) If the Public Actuary approves of any draft rules submitted by any committee of management he shall give to that committee written notice of his approval and that committee shall within one month after receipt of the notice pass and make rules in accordance with the draft.

(4) If the Public Actuary does not approve of any draft rules he shall give the committee of management not less than one month's notice of the time and place where he will confer with the committee or any accredited representatives of the committee as to the rules which should be made.

If the committee or its representatives attend in accordance with the notice and an agreement is reached between the Public Actuary and a majority of the committee or of the representatives thereof as to the rules which should be made, the committee shall make the rules within one month after the agreement is reached.

(5) For the purpose of this section the committee of management of a society shall be deemed to have full power to make rules on behalf of the society, and any rules so made shall be deemed to have been made by the society.

(6) Subsections (3), (4*b*) and (5) of section 10 of this Act shall apply to any rules made under this section.

(7) The Public Actuary may extend the time prescribed by this section for doing anything, and any such extended time shall be deemed to be the time prescribed by this section.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2426.

An Act to constitute a trust to control the waters of the lower portions of the River Broughton, to confer certain powers and duties upon the trust, and for purposes incidental thereto.

[*Assented to 22nd December,* 1938.]

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

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Lower River Broughton Irrigation Trust Act, 1938".

Commencement.

2. This Act shall commence on a day to be fixed by the Governor by proclamation.

Arrangement of Act.

3. This Act is divided into Parts as follows:—

PART I.—Preliminary:

PART II.—Constitution of the trust and its district.

PART III.—Members of the trust:

PART IV.—Management of the trust:

PART V.—Control of the River Broughton:

PART VI.—Assessments and rates:

PART VII.—Loans:

PART VIII.—Meetings, elections, and polls:

PART IX.—Miscellaneous provisions.

PART I.

Interpretation.

4. In this Act, unless the context otherwise requires, or some other meaning is clearly intended:—

"chairman" means chairman of the trust:

"district" means the Lower River Broughton Irrigation District as constituted for the time being under this Act:

"landholder" means the owner of any freehold estate in land, the holder of land under agreement with the Crown for the sale of such land upon credit, the lessee of land held under perpetual lease from the Crown, and as to Crown lands unleased or leased on other than perpetual lease, the Commissioner of Crown Lands:

"member" means member of the trust:

"owner", as regards land, includes the person for the time being receiving or entitled to receive the rents and profits of the land, whether on his own account or as trustee, attorney, or agent for another:

"public notice" means notice given by advertisement in a newspaper circulating in the district, and by posting handbills on every place in the district appointed by the trust as a place for posting notices:

"ratable land" means all land shown in the assessment book as being benefited by works carried out by the trust:

"rate" means a rate declared under this Act:

"ratepayer" means an owner or occupier of land in the district or an owner of unoccupied land in the district, whose name appears in the assessment book in respect of that land as a ratepayer:

"River Broughton" includes any affluent, effluent, creek, anabranch or extension of, and any lake or lagoon connected with, the River Broughton:

"secretary" means the secretary of the trust:

"trust" means the Lower River Broughton Irrigation Trust constituted by this Act:

"works" includes all works constructed by the trust under this Act.

PART II.

PART II.

CONSTITUTION OF THE TRUST AND ITS DISTRICT.

Constitution of the trust.

5. (1) There shall be a trust called the "Lower River Broughton Irrigation Trust".

(2) The trust shall be a body corporate, and shall have perpetual succession, and shall by its corporate name be capable

of suing and being sued, of purchasing, holding, and alienating land, of doing all acts necessary or expedient for carrying out the purposes of this Act.

Common seal.

6. (1) The trust shall have a common seal, which shall be kept at the trust office.

(2) The corporate name of the trust shall be part of the seal.

(3) Judicial notice shall be taken of the seal of the trust.

District of trust.

7. (1) As soon as possible after the commencement of this Act the Governor shall by proclamation define the land which shall constitute the Lower River Broughton Irrigation District for the purposes of this Act.

(2) The district shall consist of those lands which in the Governor's opinion are likely to be benefited by the construction under this Act of works on the Lower River Broughton.

(3) After the first election of members of the trust has been held, the Governor may by proclamation made on the recommendation of the trust, alter the district by adding any land thereto or excluding any land therefrom.

Wards.

8. (1) The Governor shall, by the first proclamation defining the district, divide the district into wards, and define and name each ward.

(2) After the first members of the trust have been elected the Governor may by proclamation made on the recommendation of the trust, alter the wards in any way recommended by the trust, but so that there shall always be three wards.

PART III.

PART III.

MEMBERS OF THE TRUST.

Members.

9. (1) The trust shall consist of a chairman and six other members, each ward being represented by two members.

(2) The first chairman shall be appointed by the Governor and every subsequent chairman shall be appointed by the Governor on the recommendation of the trust.

(3) The first members shall be appointed by the Governor, and all subsequent members shall be elected or appointed as provided by this Act.

Qualification for membership of trust.

10. (1) Subject to this Act, the following persons shall be eligible for membership of the trust :—

(*a*) Where the election or appointment is made before any assessment has been made under this Act, any owner or occupier of land within the ward for which a member is required :

(*b*) Where the election or appointment is made at any later time, any ratepayer being the owner or occupier of land within the ward for which a member is required.

(2) The chairman need not be an owner or occupier of land within the district or a ratepayer.

Disqualification for membership of the trust.

11. (1) The following persons shall not be eligible to hold office as the chairman or a member of the trust:—

(*a*) a minor :

(*b*) an undischarged bankrupt :

(*c*) a ratepayer in arrears for six months with the payment of any rate for which he is liable in respect of ratable land within the district :

(*d*) a person who directly or indirectly participates or is interested in any contract with, or employment under, the trust.

(2) No person shall be disqualified from holding office as the chairman or a member by reason of his receiving travelling expenses incurred in pursuance of and authorized to be paid by a resolution of the trust, or acting as returning officer or deputy returning officer under this Act, or receiving remuneration for so acting, or by reason of his being a member of a company, incorporated under the law of the United Kingdom or any British possession, which is concerned with any contract or dealing with the trust ; but neither the chairman nor any member shall vote on a question relating to a contract or dealing with a company of which he is a member.

(3) No person shall be disqualified from holding office as the chairman by reason of his receiving an honorarium paid to him by the trust in pursuance of a resolution of the trust.

Annual retirements of members.

12. (1) On the first Saturday in July in each year one member for each ward being the member who has been longest in office since his last election shall retire.

(2) If the two members for any ward have so been in office for an equal time, they shall draw lots to decide who shall retire.

(3) A member appointed to a casual vacancy shall for purposes of this section be regarded as having been in office from the time when his predecessor was last elected or appointed.

(4) When it is necessary to draw lots under this section, the lots shall be drawn at least one week before the day on which notice is given of the day for the nomination of candidates for the election.

(5) If any members required by this section to draw lots fail to do so within the time prescribed by this section, the chairman shall in the presence of three ratepayers draw lots on behalf of the members.

Bi-ennial retirement of chairman.

13. On the first Saturday in July in the second year after the year in which the trust is first constituted, and on the first Saturday in July in each alternate year thereafter the chairman shall retire.

Mode of election.

14. (1) The election of members shall take place as provided in Part VIII. of this Act.

(2) Whenever it is necessary for the trust to recommend a person for appointment as chairman the secretary shall as soon as possible after the election of members of the trust has been completed call a meeting of the members of the trust and those members shall at that meeting or any adjournment thereof recommend a person for appointment as chairman.

(3) If the members fail to recommend a person for appointment as chairman within one month after the chairman has retired the Governor may appoint the chairman without any recommendation.

Eligibility for re-election.

15. A retiring chairman or member shall be eligible for re-appointment or re-election.

Members to hold office until appointment of successor.

16. Every chairman and member shall notwithstanding his retirement hold office until his successor is appointed.

Casual vacancies.

17. (1) Any of the following acts or events shall cause a casual vacancy in the office of the chairman or any member, namely :—

(*a*) If he dies or becomes a mental defective within the meaning of the Mental Defectives Act, 1935-1936 :

(*b*) If he is adjudicated bankrupt or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :

(*c*) If he is convicted by the Supreme Court of any offence, triable on indictment :

(*d*) If he is absent without leave of the trust for four or more consecutive ordinary meetings of the trust :

(*e*) If he resigns by notice to the trust :

(*f*) If his office is declared vacant by a judgment or order of a court.

(2) A chairman or any member appointed or elected to a casual vacancy shall—

(*a*) be deemed for the purpose of future retirements to have been appointed or elected at the time when the

chairman or member in whose place he was appointed or elected was last appointed or elected :

(*b*) hold office only for the balance of the term of that chairman or member.

Casual vacancies filled by appointment.

18. When any casual vacancy occurs in the office of a member the chairman and remaining members of the trust shall select a person qualified under this Act to fill that vacancy.

Disqualified person acting as member or auditor.

19. Any person who at the time of his election or appointment to the office of chairman, member or auditor is to his own knowledge disqualified to act in that office, or who after his election becomes disqualified, and who in any manner acts as chairman, member or auditor with knowledge of the existence of his disqualification, shall be guilty of an offence.

No writ of *quo warranto* allowed to try title to any office.

20. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed or had, or taken in the Supreme Court, to try or question the title of the trust or the title of any person to act as chairman, member, or auditor, or in any office or place under the trust.

No *mandamus* to issue from Supreme Court.

21. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel the trust to proceed to the election or appointment of any chairman, member, auditor, officer, or other person to any office or place under the trust, or to compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the trust or person may be entitled under this Act.

Proceedings for trying title of member, etc.

22. The proceedings :—

(*a*) for trying the title of a chairman, member, auditor, officer, or other person to his office or place ; or

(*b*) for trying the right of any person to be admitted or restored to any such office or place ; or

(*c*) to compel his restoration or admission ; or

(*d*) to compel the trust to proceed to any election or appointment ; or

(*e*) to try the validity of any assessment or rate ; or

(*f*) to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the trust or any person may be entitled under this Act,

shall be had and taken before, and determined in a summary way by, a court of summary jurisdiction constituted by a special magistrate.

Jurisdiction and powers of Court.

23. (1) The complaint for the purposes of the last preceding section may be laid at the instance of the trust, or by any ratepayer or other person interested.

(2) The court of summary jurisdiction may make an order—

(*a*) declaring that any person is or is not entitled to any office or place or that any office or place is vacant:

(*b*) commanding the trust to proceed to take the necessary steps for and hold any election, or to make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary:

(*c*) quashing any assessment or rate which for any reason is invalid:

(*d*) to compel the production or delivery of any books, voting-papers, or documents by or to the trust, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

Procedure on non-compliance with order.

24. On non-compliance with any order made by any court of summary jurisdiction under the last preceding section, any court of summary jurisdiction may on complaint laid at the instance of the trust, or by any ratepayer or person interested, order any sum of money to be paid by or to the trust, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed. Any such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid.

Time within which proceedings may be taken.

25. (1) No proceedings to try the title of any person to any office or place shall be taken under this Part except upon a complaint laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

(2) No proceedings to try the validity of any assessment or rate shall be had or taken except upon a complaint laid within two months from the time at which notice of the assessment or rate appeared in the *Government Gazette*.

PART IV.

PART IV.

MANAGEMENT OF THE TRUST.

Trust office.

26. The trust shall maintain within the district, or within the town of Port Pirie an office suitable for transacting the business of the trust.

Officers of the trust.

27. (1) The trust shall appoint a secretary and may appoint any other officers and servants.

(2) The secretary and every other officer and servant shall carry out such duties as are allotted to him by the trust.

Authentication of documents by the trust.

28. Subject to the provisions of this Part as to contracts made by the trust, every order, summons, notice, or other document requiring to be authenticated by the trust shall be sufficiently authenticated without the common seal of the trust, if signed by the chairman, by two members, or by the secretary.

Meetings.

29. (1) Ordinary meetings of the trust shall be held at the trust office at such times as the trust from time to time determines.

(2) Special meetings may be held at any time and at the trust office or at any place within the district.

(3) Any meeting may be adjourned to any time and to the trust office or any place within the district, and any business required to be done at an ordinary meeting may be done at a special meeting.

Special meetings.

30. (1) The chairman may call a special meeting at any time, and, on the requisition in writing of any three members, shall call such a meeting.

(2) If after receiving any such requisition the chairman refuses or for seven clear days fails to call a meeting, any three members may call the meeting by public notice, signed by them, and stating the object of the meeting and the time and place of holding it.

Notice of meeting.

31. Except as otherwise provided by the last preceding section or the by-laws, seven days notice of every meeting, signed by the secretary, shall be sent by post to every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

Quorum.

32. (1) At all meetings of the trust, except where otherwise provided by this Act, the chairman and three other members, or any four members, shall form a quorum.

(2) The secretary, in the absence of the chairman and all the members, or the chairman or any member present alone, or the majority of members present at a meeting at which there is no quorum, may, at the expiration of half an hour from the time fixed for the meeting, adjourn the meeting and any business which could have been transacted at the meeting may be transacted at the adjourned meeting.

Chairman of meetings.

33. (1) At every meeting of the trust the chairman, or, if the chairman is absent, a member chosen by the members present, shall preside.

(2) The person so presiding shall have a deliberative vote, and, in case of equality of votes, a casting vote also.

Effect of vacancies.

34. Notwithstanding any vacancy in the office of the chairman or a member, the business of the trust shall be carried on by the members actually in office, who shall have all the powers of the trust.

Validity of proceedings of trust.

35. All acts and proceedings of the trust, or of any committee of the trust, or of any person acting as chairman, or a member, shall notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of the chairman or any member or any such person or that he was incapable of holding office, be as valid as if he had been duly elected or appointed and was capable of holding office.

Provision for death or absence of secretary and other persons.

36. (1) If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the secretary or any member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the like reason it is impossible or inconvenient for the chairman, the trust may perform the matter or thing, or appoint some member or other person to perform it.

(2) The trust may authorize the chairman to carry into effect any decision of the trust.

Revocation of resolutions.

37. No resolution passed at any meeting of the trust shall be revoked or altered, unless—

(*a*) written notice of an intention to propose the revocation or alteration at a subsequent meeting of the trust is given or posted to each of the members seven days at least before holding the meeting; and

(*b*) the revocation or alteration is determined upon by the chairman and three members or by four members of the trust.

Committees.

38. (1) The trust may appoint committees of its members, and may delegate to any such committee such of its powers and duties under this Act as the trust thinks fit, and may remove any members of a committee and appoint other members in their place.

(2) The trust may, from time to time, make such by-laws as the trust thinks fit for the guidance of its committees.

(3) The decisions of a committee shall, unless otherwise ordered by the trust, not be carried into effect until they have been approved by the trust.

(4) A committee may appoint a sub-committee of its members to inquire into and report to the committee upon any matter.

(5) In no case shall a committee be authorized to declare any rate; and no expenditure or payment or contract to expend or pay any sum of money exceeding twenty pounds, made by a committee, shall be lawful or valid unless the expenditure, payment, or contract is approved or ratified by the trust.

(6) A committee appointed under this Act may (subject to the by-laws of the trust) meet from time to time and adjourn as the committee thinks fit; but no business shall be transacted at any meeting of any such committee unless three members are present.

(7) At the first meeting of any committee or sub-committee one of its members shall be appointed chairman of the committee or sub-committee. All questions in committee shall be determined by a majority of votes of the members present. The chairman of the committee shall have a deliberative vote, and, in case of equality of votes, a casting vote.

(8) The chairman of the trust shall be *ex officio* a member of every committee or sub-committee.

Minutes of meetings.

39. (1) The trust shall cause minutes of every meeting of the trust and of every meeting of a committee of the trust, and of the proceedings thereat, with the names of the members who attend at each meeting, and the names of all members voting on any question for the decision of which a division is called, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the trust.

(2) The minutes of every meeting of the trust and of every meeting of a committee, except its last meeting, shall be put for confirmation to the next succeeding meeting, or, if that is omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which they are confirmed, or if he refuses or neglects so to do for seven days after the meeting, then by any two members present and entitled to vote at the meeting.

(3) The minutes of the last meeting of a committee shall, if found correct, be signed at the meeting, or some adjournment thereof by the chairman thereof.

Evidence of minutes.

40. (1) Every minute purporting to be any such minute as aforesaid and to be so signed, or a copy of or extract from any such minute purporting to be attested by the seal of the trust and signed by the secretary, shall in all courts, and before all persons acting judicially be receivable as evidence of the transactions and matters therein recorded without proof that the meeting to which the minute refers was duly convened or held, or that the persons attending thereat were members of the trust or committee, or of the signature of the chairman or members, or of the fact of his having been such chairman, or of their having been members entitled to sign the minutes or

of the affixing of the seal or of the signature of the secretary. All such matters shall be presumed until the contrary is proved.

(2) All minute books shall, at all reasonable times, be open to the inspection of any member and of any creditor of the trust. Every ratepayer may inspect and take copies of the minutes at all reasonable times on payment of one shilling to the secretary.

Contracts by trust.

41. (1) The trust may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows:—

I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the trust may make in writing and under the common seal of the trust:

II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the trust may make in writing under the common seal as aforesaid, or in writing signed by any person acting under the authority of the trust, express or implied:

III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the trust in either of the two ways aforesaid, or by parol by any person acting under the authority of the trust, express or implied.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) A contract made on behalf of the trust may be varied or discharged in the same manner in which it is authorized by this section to be made.

Power to compound claims.

42. The trust may compound with any person who has entered into any contract with the trust, or by or against whom any action or proceeding has been brought or threatened on behalf of or against the trust, for any cause whatsoever, for such sums of money or other consideration as the trust thinks proper.

Banking of money.

43. (1) All money received on account of the trust shall be paid into a bank appointed by the trust.

(2) Payment into the bank shall in every case be made as soon as the moneys in hand amount to five pounds or more.

(3) Every payment of one pound or more made on behalf of the trust shall be by cheque on the bank, drawn by the chairman and by a member authorized from time to time by the trust

in that behalf, or in case of the absence of the chairman, drawn by two members authorized from time to time by the trust, and in each case countersigned by the secretary.

(4) Payments of less than one pound may be made out of a petty cash fund, replenished from time to time by cheques drawn and countersigned as aforesaid.

Powers of entry by officers of trust.

44. In addition to its powers under the Compulsory Acquisition of Land Act, 1925, the trust shall, for the purposes of this Act, have power by the chairman or any member or officer to enter at all reasonable hours into and upon any building or land within the district for the purpose of making any inspection necessary or convenient to be made in connection with any work or operation of the trust.

By-laws.

45. Subject to the approval of the Minister, the trust may, from time to time, make by-laws for or relating to all or any of the following subjects :—

(*a*) The appointment of the time and place for meetings of the trust, whether ordinary or special, and the procedure at and conduct of such meetings:

(*b*) The powers and duties, and the control, supervision, and guidance of all officers, servants, and persons employed by the trust:

(*c*) The leasing, care, or control of any works:

(*d*) The measures to be taken to prevent and remedy the waste, undue consumption, obstruction, and contamination of water contained in or supplied from any part of the works, and to regulate the supply and use of any such water:

(*e*) Stopping the supply of water to or for the benefit of any ratepayer whose rates are in arrear, or to any ratable land the rates in respect of which are in arrear:

(*f*) The protection of every part of the works from trespass or injury:

(*g*) Preventing unauthorized persons using (except for travelling stock on roads abutting on or crossing the River Broughton), directly or indirectly, water contained in any works of the trust:

(*h*) Regulating the number, form, material, dimensions, construction, and arrangement of pipes, fittings and other apparatus which may be used for drawing water from the works under the control of the trust:

(*i*) Prescribing penalties recoverable summarily and not exceeding fifty pounds for any breach of any by-law:

(*j*) And generally for prescribing any matters necessary or convenient to be prescribed for the execution of the powers of the trust and the due administration of this Act.

PART V.

CONTROL OF THE RIVER BROUGHTON.

General Powers of the Trust.

Vesting of water.

46. Subject to section 143, the ownership of all water in that part of the River Broughton which is in the district of the trust, or in any works of the trust, shall vest in the trust and shall be subject only to such rights as are lawfully granted under this Act.

Construction of works by trust.

47. The trust may erect, construct, repair and maintain weirs, dams, sills, embankments, channels, drains, watercourses, and any other works, plant and equipment which the trust deems necessary for the purpose of conserving, diverting, regulating, controlling, and distributing any waters in that part of the River Broughton which is within the district of the trust.

Acquisition of land.

48. (1) The trust may acquire by agreement or compulsory process any land which it requires for the purpose of carrying into execution any of its powers duties or functions under this Act.

(2) The Compulsory Acquisition of Land Act, 1925, is incorporated with this Act.

Restriction on diversion of water.

49. (1) No person shall—

(*a*) take, except for domestic purposes or for watering cattle or other stock, any water from any part of the River Broughton which is within the district of the trust, or from any works of the trust; or

(*b*) construct any drain, pipe, weir, dam, sill, embankment, channel, or other works for the purpose of taking or diverting water from any such part of the River Broughton or from any works of the trust,

unless the trust has granted him a licence in writing to do so.

(2) The occupier of any land on which at the time of the commencement of this Act there exists any drain, pipe, weir, dam, sill, embankment, channel or other works for the purpose of taking or diverting water from any such part of the River Broughton shall not, after three months from the first appointment of members of the trust, allow that drain, pipe, weir, dam, sill, embankment, channel, or other works to continue to exist in such a form as to be capable of so taking or diverting water unless the trust has granted him a licence authorizing him to maintain such drain, pipe, weir, dam, sill, embankment, channel or other works.

(3) The trust may remove or otherwise render ineffective any drain, pipe, weir, dam, sill, embankment, channel or other works constructed or allowed to exist in contravention of this section and for that purpose may by its agents and servants enter and remain on any land and do any work necessary. No person shall be entitled to compensation by reason of anything done under this section.

(4) Any person contravening this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(5) Any licence granted under this section may authorize the person so licensed to construct, maintain, and use a private drain, private drainage works or a pipe or other works or equipment through or on any land; and any question of compensation between such person and the owners or occupiers of any land for any damage arising from or in connection with the construction, maintenance, and use of such drain, works, pipe or equipment shall be determined by the trust: Provided that any person aggrieved by any such determination may appeal therefrom in manner prescribed to the Local Court of Full Jurisdiction of Port Pirie and that court shall hear and determine the appeal in accordance with the regulations.

Power to control.

50. The trust shall have power to regulate and control the flow of the waters of the River Broughton over the lands adjacent thereto, and to execute all works and do all things necessary for those purposes.

Free passage to be given to supply water.

51. Every owner or occupier of land through which a channel, water-course, or drain is cut by the trust, or over which an aqueduct or pipe is conducted or carried by the trust, shall give free passage to water of supply or drainage turned into the channel, water-course, drain, aqueduct, or pipe by the trust.

Construction of Drains and Works on the Petition of Landholders.

Petitions for drain.

52. A petition may be presented to the trust by landholders, requesting that any weir, dam, sill, embankment, channel, drain, or other work for promoting or regulating the flow of water on land (hereafter in this Part called "the works") indicated in the petition be constructed.

Form of petition.

53. Such petition shall be in the form in the first schedule hereto, and each signature thereto shall be witnessed by some person who shall make a declaration before a justice of the peace in the form at the end of the said schedule; and any

person wilfully making any false statement in such declaration shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding two years.

Preliminary inquiry.

54. The trust shall forthwith upon receiving a petition—

(*a*) ascertain what lands will, in its opinion, be benefited by the works :

(*b*) prepare an estimate of the cost of constructing the works.

Trusts approval.

55. (1) If the trust after due inquiry considers that it is expedient to construct the works, it may by notice in the *Gazette* declare—

(*a*) that it approves of the construction of the works ;

(*b*) what lands in its opinion will be benefited by the works ; and

(*c*) the estimated cost of constructing the works.

(2) The trust's declaration shall be conclusive as to what lands will be benefited by the works.

Decision whether petitioners are majority of landholders and hold three-fourths in value of benefited lands.

56. (1) Unless within one month of the publication of the trust's declaration in the *Gazette*, a substantial number of the petitioners, by notice in writing received by the trust, withdraw the petition, the trust shall decide whether or not the petitioners are a majority of the landholders of the lands which will be benefited by the works, and whether or not the value of the lands of which they are the landholders is at least three-fourths of the value of all the lands which will be benefited by the works. A " substantial number " means a number considered by the trust to be substantial.

(2) In this section " value " means—

I. as to lands assessed for the purposes of land tax, the unimproved value of such lands as so assessed :

II. as to lands not so assessed, the unimproved value of such lands as assessed by the trust.

(3) Upon deciding as in subsection (1) of this section mentioned, the trust shall publish its decision by notice in the *Gazette*, and such notice shall be conclusive as to the accuracy of such decision.

Construction of works.

57. (1) If the trust decides that the petitioners are a majority of the landholders of the lands which will be benefited by the works, and that the value of the lands of which they are the landholders is at least three-fourths of the value of the lands

which will be benefited by the works, the trust shall, after the publication of its decision in the *Gazette*, proceed with the construction of the works out of money to be borrowed by the trust for the purpose:

Provided that before the construction of the works is proceeded with the trust shall supply to one of the petitioners, to be nominated for the purpose by a majority of the petitioners a plan and specification of the works, together with an estimate of the cost thereof:

Provided also that so soon as tenders shall have been received for the works copies of all tenders and the amounts thereof shall be similarly supplied to the person nominated by the petitioners.

(2) If within twenty-one days from the receipt of the tenders by the petitioners' nominee a majority of the petitioners signify to the trust that they do not desire the works to be proceeded with, the trust shall not accept any tender for the works. The costs of the preparation of plans and calling for tenders shall be borne by the petitioners, who shall be jointly and severally liable for the amount thereof.

Cost to be paid by landholders.

58. The cost of constructing the works shall be deemed to be an advance by the trust to all the landholders of the lands which will be benefited by the works, and such advance shall be repaid to the trust by such landholders, with interest thereon at a reasonable rate to be fixed by the trust, in the proportions to be ascertained as hereinafter mentioned.

Final report.

59. When the construction of the works is completed the trust shall, by notice in the *Gazette*, notify the date of completion of the works and the cost of construction thereof, and such notice shall be conclusive as to such matters, notwithstanding that the cost as so notified differs from any previous estimate of the cost.

Preliminary apportionment of the cost.

60. (1) The trust shall, within two years after the date of completion of the works, make a preliminary apportionment of the cost of the construction thereof amongst all the landholders of the lands benefited by the works, as declared by the trust's declaration.

(2) The trust shall, by notice published in the *Gazette*, set forth the preliminary apportionment. Such notice may be in the form in the second schedule hereto. The *Gazette* containing such notice shall be conclusive as to such apportionment.

(3) Any apportionment made under this section after the expiration of two years from the date of completion of the works shall be as valid for all purposes as if it had been made before the expiration of that term: Provided that the trust

may, if in its opinion the delay in making the apportionment has resulted in hardship to any landholder thereby affected, postpone for such period as the trust thinks fit the date from which that landholder is to commence payment of the proportion of the cost of construction apportioned to him.

Objection to the apportionment.

61. Any landholder may, within two months after the publication of the notice of preliminary apportionment, object to the proportion of the cost apportioned to him by such apportionment. The objection shall be made by notice served on the trust, and may be in the form in the third schedule hereto.

Determination of objection.

62. (1) Every objection shall be considered by the trust at a time fixed by notice given to the objector, not being less than seven days after the giving of such notice, and at a place fixed by such notice: Provided that the consideration of any objection may be adjourned from time to time and from place to place as the trust deems convenient.

(2) The objector may attend any meeting of the trust held to consider his objection, and may adduce before the trust any relevant evidence.

(3) The trust may make any inquiries it deems necessary, and inform itself in such manner as it deems fit for the purpose of determining the objection, and shall not be bound to observe any rules of evidence or procedure.

(4) The trust shall consider every objection and determine it in such manner as it deems fair and equitable, and may confirm or increase or decrease the amount of the cost apportioned to the objector, and may, if the amount is confirmed or increased, order the objector to pay the costs occasioned by the objection.

(5) The determination of the trust shall be final, and not subject to any appeal or to be questioned in any way.

Adjustment of apportionment.

63. If upon the consideration of any objection to the preliminary apportionment the amount apportioned to any landholder is altered the trust shall adjust the amounts apportioned to other landholders as may be found necessary.

Final apportionment.

64. The trust shall forthwith, after the time for objecting has expired, if no objection is pending, or if any objection is pending, then forthwith after the determination of all objections, make its final apportionment of the cost of the construction of the works, and fix the yearly instalments to be paid by each landholder to the trust, and the date upon which the first instalment is to be paid.

Notice of apportionment.

65. (1) The trust shall publish in the *Gazette* a notice setting forth the final apportionment, the yearly instalments, and the date upon which the first instalments are to be paid.

(2) Such notice may be in the form in the fourth schedule hereto, and shall be conclusive evidence of all matters set forth therein, and of the validity thereof.

Repayment of cost of construction.

66. (1) The amount of the proportion of the cost of construction apportioned to any landholder shall be a debt due from such landholder to the trust, and shall be paid by such landholder to the trust, with interest on the balance thereof owing for the time being at the rate fixed by the trust, in forty-two equal yearly instalments. The amount of the annual instalment for every one hundred pounds payable by a landholder in respect of the proportion of the cost of construction apportioned to him shall be fixed by notice published by the trust in the *Gazette* at the time of publication of the notice of the final apportionment.

(2) The first of such instalments shall become due on the first day after the expiration of two years from the date of the completion of the works, and one of such instalments shall fall due on the same day in each year thereafter until the whole debt has been paid: Provided that any landholder may at any time pay the balance of the amount payable in respect of his land, with any interest then due, whereupon his liability and the charge upon his land shall cease.

(3) Interest at the rate of five per cent. shall be paid on the amount of any instalment which remains unpaid for more than six months after it falls due. The interest shall be chargeable from the day upon which the instalment falls due.

(4) In computing the amounts of the yearly instalments the interest for the first two years shall be added to the amount of the proportion of the cost of construction.

Power to sell land for non-payment of instalments.

67. The trust shall have the like power to sell land for non-payment of moneys owing to it under this Part as a district council has to sell land for non-payment of rates under Part XIV. of the Local Government Act, 1934-1936, and that Part of that Act shall *mutatis mutandis* apply to the trust as if the trust were a district council and the secretary of the trust were the clerk of a district council, and moneys due under this Part were rates.

Lessees to pay proportion of cost to landholder.

68. (1) Where any land benefited by the works is subject to a lease to any person other than the landholder of such land, the lessee under that lease shall pay to the landholder during the currency of that lease such proportion of each annual instalment payable by the landholder as may be agreed between them.

(2) In default of agreement, the amount of the proportion to be paid by the lessee shall be settled by the trust on the application of either the landholder or the lessee.

(3) Such application shall be made by notice given to the other party and the trust.

(4) The application shall be heard by the trust at a time fixed by notice given to both parties, not being less than seven days after notice is so given, and at a place fixed by such notice: Provided that the hearing may be adjourned from time to time and from place to place as the trust deems convenient.

(5) The trust may inform itself in such manner as it deems fit for determining the proportion to be paid by the lessee, and shall not be bound to observe any rules of evidence or procedure.

(6) The trust shall determine the matter as it deems fair and equitable, and may order either party to pay the costs of the application, not exceeding five pounds.

(7) The determination of the trust shall be final, and not subject to any appeal or to be questioned in any way.

Provision for apportionment of cost where land charged is subdivided.

69. (1) Where after notice of the final apportionment any land included in such notice belonging to one and the same landholder is subdivided (whether as the result of a sale or otherwise), and becomes vested in two or more different landholders the trust shall further apportion between such landholders the amount by such notice apportioned to such landholder in respect of such land, and fix the yearly instalments to be paid by each of such landholders to the trust and the date upon which the first instalment is to be paid: Provided that in making such apportionment the trust shall take into account the total amount of the instalments (if any) already paid by such landholder.

(2) The trust shall publish in the *Gazette* a notice setting forth such apportionment, the yearly instalment, and the date upon which the first instalments are to be paid, and such notice shall be conclusive evidence of all matters set forth therein, and of the validity thereof.

(3) The provisions of this Part relating to payment by landholders of the amount of cost apportioned to them, to the payment of part of that cost by lessees to landholders, and to the recovery of such cost, shall apply, *mutatis mutandis*, to and in respect of any amount apportioned under the authority of this section in the same manner as to an amount apportioned to a landholder in the first instance under this Part.

(4) This section shall apply in the case of any one or more further subdivisions beyond that referred to in subsection (1) hereof.

PART VI.

PART VI.

ASSESSMENTS AND RATES.

Ratable value.

70. In this Part the expression "ratable value" in relation to any land means the assessed amount of the increase in the value of the fee simple of the land, which increase has accrued from all the works (not being works constructed on the petition of landholders) constructed by the trust under this Act prior to the making of the assessment.

Assessment.

71. (1) The trust shall, whenever the trust considers it necessary for the purposes of this Act, cause to be prepared and entered in a book or other record to be called the "Assessment Book" an assessment which shall contain the name (as a ratepayer) of every person who is the owner or occupier of ratable land within the district, the description, area, and situation of the land and the ratable value thereof.

(2) The assessment shall be signed in the said book or record by the chairman and two members and the secretary, who shall specify in the book the date of the signature. The assessment shall thenceforth, subject to any alterations made on appeal, be binding on the ratepayer until a new assessment is in like manner prepared, entered, and signed.

Ratepayers pending assessment of benefit.

72. (1) During the period between the commencement of this Act and the making of the first assessment of ratable value under this Act every owner and occupier of land within the district shall be regarded as a ratepayer in respect of his land.

(2) During the said period the trust shall keep an assessment book showing the name and the description, area and situation of the land of each such ratepayer and any other particulars which the trust thinks it convenient to insert.

Assessment to be made by assessors.

73. (1) Every assessment, except as by this Act otherwise provided, shall be made by one or more assessors, to be appointed by the trust.

(2) Every such assessor shall, for the purpose of making the assessment, have power to put to the owner, occupier or person in charge of any ratable land, any questions for the purpose of obtaining any information necessary to enable the assessor to state correctly the particulars by this Act required to be stated in the assessment book with regard to the land.

(3) If, after being informed by the assessor of his being an assessor, and of his purpose in putting the questions, and of his

authority under this Act to put them, any such owner or occupier or person in charge refuses or wilfully omits to answer any such questions to the best of his knowledge and belief, or wilfully makes any false statement in answer to any such question, he shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Power to adopt previous assessment.

74. The trust may, instead of causing any new assessment to be made by assessors, approve as a new assessment the last previous assessment, with such alterations and additions as may appear necessary.

Removal of names.

75. Every person whose name appears in the assessment book as owner or occupier of any ratable land shall be entitled to have his name removed from the book, if—

(*a*) he has ceased to be the owner or occupier of the land; and

(*b*) he has given notice in writing thereof to the trust under his hand; and

(*c*) all rates for which he is liable and of which notice has been duly given him, have first been paid.

Insertion of names in assessment.

76. An owner or occupier of any ratable land, whose name does not appear in the assessment book as such, may apply to the trust to have his name inserted in the assessment book, and shall be entitled to have his name inserted accordingly, except within ten days immediately preceding any annual election.

Power to rectify errors and omissions.

77. Except within ten days immediately preceding any annual election, all errors and omissions in the assessment book, with regard to any ratable land, or the ownership or occupancy thereof (including errors and omissions arising from changes of ownership), shall be rectified by the trust immediately on the discovery thereof. A minute shall be made of any such rectification, and a copy thereof, signed by the secretary, shall be entered in the assessment book, and every copy thereof; and the assessment book and every copy thereof, shall be rectified accordingly.

Notice of assessment.

78. (1) Public notice of the making of any assessment, and of the place or places where copy or copies thereof may be inspected, shall be given within fourteen days from the making or adoption. The notice shall state whether a previous assessment has been adopted or not.

(2) Notice in writing of the making of every assessment, and of the making of any alteration or rectification of or addition to any assessment, shall, within fourteen days from the making of the assessment, alteration, rectification, or addition, be given

by posting or delivering the same to every person appearing in the assessment book as the owner, or occupier of the land concerned. If no person appears in the assessment book as owner or occupier, the notice shall be given by advertisement in the *Gazette*.

Appeal against assessment.

79. Any ratepayer may appeal against the assessment or any alteration or rectification thereof, or addition thereto, on any of the grounds following :—

I. That he is not the owner or occupier of the whole or any or some particular part of the ratable land for which his name appears as owner or occupier :

II. That any ratable land, or the owner or occupier of any ratable land, within the district is omitted from the assessment :

III. That any land included in the assessment is not ratable.

IV. That the ratable value of any land is assessed above or below the true ratable value.

Hearing of appeals.

80. (1) Any such appeal may be made either to the trust or directly to the Local Court of Full Jurisdiction nearest to the trust office.

(2) From the decision of the trust on any such appeal the appellant may appeal to the said Local Court.

(3) The decision of the Local Court shall be final, whether the appeal is to the Local Court direct or after a previous appeal to the trust.

Time for appealings.

81. (1) Every appeal to the trust or to the Local Court direct shall be commenced within twenty-one days after the written notice of the assessment has been given to the appellant.

The appeal shall be instituted by a notice setting out the name and address of the appellant, the land owned or occupied by him, and the grounds of the appeal.

(2) If the appeal is to the trust the notice shall be given to the secretary ; if the appeal is to the Local Court the notice shall be given to the clerk of the Local Court, and also to the secretary. Notice shall also be given to the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted, fourteen days before the hearing of the appeal.

(3) Appeals made to the Local Court direct shall be heard at the sittings of the Local Court next after the expiration of seven days from the last day on which notice of appeal may be given.

(4) Appeals made to the trust shall be heard by the trust as early as possible after the last day on which notice of appeal may be given. Notice of the day appointed by the trust for the hearing of appeals shall, fourteen days before the day of hearing, be given by advertisement in a newspaper, and be posted on a conspicuous part of the trust office.

Procedure on appeal.

82. (1) On the hearing of an appeal the secretary shall produce the assessment book containing the assessment, alteration, rectification, or addition appealed against.

(2) Where the appeal is to the trust the trust shall hear the appellant and his witnesses without administering any oath.

(3) Where the appeal is to the Court all evidence shall be given on oath.

(4) The trust or the Court may make such order as it deems just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book.

Appeals from decision of trust.

83. (1) Every appeal from the decision of the trust given or made on the hearing of any appeal to the trust as hereinbefore provided shall be commenced by a written notice setting out the name and address of the appellant, the land owned or occupied by him and the grounds of the appeal.

(2) The notice shall, within ten days after the giving or making of the decision, be served on the secretary and the clerk of the Local Court.

(3) The appeal shall come on for hearing at the sittings of the Local Court next after the expiration of seven days from the service of the notice on the clerk of the Local Court.

(4) On the hearing of the appeal the secretary shall produce the assessment book containing the assessment, alteration, rectification, or addition in question, and the Local Court may make such order as it deems just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the clerk of the Local Court.

Costs of appeal.

84. The Local Court, on the hearing of any appeal, may make such order as it deems just for the payment by any party to the appeal to any other party to the appeal of the costs of the appeal.

Rates.

Purpose of rate.

85. The trust may declare and levy rates for any of the following purposes:—

(*a*) Defraying the cost of construction of any works carried out or to be carried out by the trust pursuant to this Act:

(*b*) Paying the interest on and repaying the capital of any loan lawfully raised by the trust:

(*c*) Paying the costs and expenses of the administration of this Act and of doing anything which the trust may lawfully do.

Basis of rates.

86. (1) During the period between the commencement of this Act and the making of the first assessment of ratable value the rates shall be—

(*a*) of an amount fixed by the trust for every acre of land within the district; or

(*b*) of an amount fixed by the trust for each block of land separately occupied; or

(*c*) of an amount calculated in any other way which the trust may think just.

(2) After an assessment of ratable value has been made the rates shall be of an amount fixed by the trust for each pound of the ratable value of the land in the district.

Entry of rate in assessment book.

87. Whenever a rate is declared the secretary shall make entries in the assessment book showing the amount in the pound and the date of declaration of the rate and the amount payable by each ratepayer.

Notice to ratepayers.

88. The secretary shall give written notice to each occupier of land in respect of which rates are payable, of the date of the declaration of every rate, the amount payable by the ratepayer, and the land in respect of which that amount is payable.

Person liable for rates.

89. The person primarily liable for the payment of rates in respect of any ratable land shall be the person for the time being appearing in the assessment book as the occupier of the land. In default of payment by or recovery from him, or if the land is or becomes unoccupied, then the person for the time being appearing in the assessment book as the owner of the land shall be liable.

Notice before recovery of rates.

90. Every rate shall become due and payable when it is declared, but no rate shall be recoverable by action from any person until twenty-one days after a written notice from some officer of the trust has been served on that person, informing him of the amount of the rate payable by him, and in respect of what land the rate is payable.

Fine in default of payment.

91. If any rate is not paid before the end of three months after it becomes due and payable, a fine equal to five pounds per centum thereof shall be added to the amount of the rate, and shall thenceforth for all purposes be deemed to be a part

of the rate, and shall be paid by the person or persons liable to pay the rate, and be recoverable from any person liable to pay the rate, and in such manner as if it were part thereof: Provided that no such fine shall be added to the amount of any rate payable by a person resident in the State unless the rate has remained unpaid for the space of twenty-one days after notice of the rate has been given to that person.

Liability of persons appearing in assessment book as owners.

92. Every person appearing in the assessment book as the owner of any land shall continue liable for all rates declared in respect of that land, notwithstanding any change in the ownership thereof prior to the declaration of the rates, except as to rates declared after he, having ceased to be owner, has given written notice to the secretary of the change of ownership, stating who is the person who has become owner.

Recovery of rates.

93. Rates may be recoverable from any person liable to pay them, in the name of the trust, by action in any court of competent jurisdiction.

Power to sell land for non-payment of rates.

94. The trust shall have the same power to sell land for non-payment of rates as a district council has under Part XIV. of the Local Government Act, 1934-1936, and that Part of that Act shall *mutatis mutandis* apply to the trust as if the trust were a district council and the secretary of the trust were a clerk of a district council.

Limitation of liability of trustee agent, or attorney.

95. No trustee, agent, or attorney for any owner of ratable land shall be liable to pay any money recovered or penalty imposed under the provisions of this Act in excess of the amount then in his hands or under his control and belonging to his *cestui que trust.*

PART VII.

PART VII.

LOANS.

Power to borrow.

96. The trust may, subject to this Part, borrow money for the following purposes:—

(*a*) For defraying any of the general administrative costs of the trust incurred before rates are collected under this Act:

(*b*) For constructing any works which the trust is authorized to construct.

Security for loan.

97. The trust may subject to this Part give security for any money borrowed by it—

(*a*) by the issue of debentures containing, if the trust thinks fit, a charge on the future rates of the trust and power to appoint a receiver:

(*b*) by the execution of any other form of security.

Notice of loan.

98. Before borrowing any sum of five hundred pounds or more for the construction of works, the trust shall give notice twice by advertisements in a newspaper circulating in the district stating—

(*a*) the amount of money proposed to be borrowed:

(*b*) the works on which the money is to be spent.

Poll on loans.

99. If one twentieth or more of the ratepayers in the assessment book demand a poll in writing delivered to the secretary within one month after the second notice of the proposed borrowing, the loan shall not be raised—

(*a*) unless a poll has first been held on the question whether the money shall be borrowed and the works carried out; and

(*b*) a majority of the ratepayers voting at the poll vote in favour of the loan and the proposed works.

PART VIII.

PART VIII.

MEETINGS, ELECTIONS, AND POLLS.

Ratepayers' meetings.

100. (1) Meetings of ratepayers may be called by the trust at any time.

(2) Whenever ten ratepayers, by notice under their hands, left at the trust office, require the trust to call a meeting of ratepayers for the consideration of any matters specified in the notice, the trust shall do so within two weeks from the day when the notice is left, the meeting to be held within five weeks from that day.

Voting at meetings.

101. At any meeting of ratepayers the chairman of the meeting shall in the usual way take a show of hands for every proposition and amendment touching the object of the meeting, and shall declare that proposition carried for which in his opinion the largest show of hands appears: Provided that if any ratepayer request a ballot, a ballot shall forthwith be taken.

Nominations and Elections.

Nominations.

102. (1) No person shall be capable of being elected as a member of the trust unless duly nominated in writing.

(2) Every nomination shall be in a form fixed by the returning officer and shall—

(*a*) state the name of the candidate, his place of residence and his occupation :

(*b*) be signed by not less than two ratepayers as nominators:

(*c*) contain an undertaking by the candidate that he will act as a member if elected.

Time and place for nomination.

103. (1) Twelve o'clock noon on the second Saturday in June of each year shall be the hour and day of nomination ; and the office of the trust shall be the place of nomination.

(2) Ten clear days before the day of nomination the trust shall give public notice of the hour, day and place of nomination.

Requirements as to nominations.

104. No candidate shall be validly nominated unless a written nomination complying with this Act is lodged in the trust office not later than the hour of nomination : Provided that a nomination shall not be invalid by reason only of any formal defect so long as it substantially complies with this Act.

Proceedings on day of nomination.

105. (1) On the day of nomination the returning officer shall attend at the trust office at the hour of noon, and shall there and then publicly open and read aloud all the nominations lodged in the office.

(2) If for any office there is only one candidate nominated the returning officer shall declare that candidate to be elected to that office as from the first Saturday in the July next ensuing.

(3) If more than one candidate is nominated for any office the returning officer shall adjourn all further proceedings in respect of the election until the first Saturday in the July following, when the election shall be by ballot, as by this Act provided.

Notices of adjournment.

106. The returning officer upon any such adjournment shall forthwith give notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place when and where the election is to take place, by affixing handbills in a conspicuous place on the outside of the office of the trust and in such other places as he deems necessary.

Procedure on failure of election.

107. Whenever—

(*a*) any annual or supplementary election from any cause wholly or in part fails to be made upon the day appointed by this Act ; or

(*b*) any such election being made, afterwards becomes wholly or in part void,

a supplementary election shall be held.

Supplementary election.

108. (1) Immediately upon the happening of any such failure or avoidance, the trust shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from the giving of the notice and an hour and place for the nomination of the persons to be elected.

(2) The nomination shall take place on the day and at the hour and place so appointed in like manner as at the annual election.

(3) If for any office there is only one candidate nominated, the returning officer shall declare that candidate to be elected to that office as from the day of nomination.

(4) If more than one candidate is nominated for any office, the returning officer shall adjourn all further proceedings in respect of the election until a day to be fixed by him for the election, not being less than six nor more than ten clear days from the day of nomination.

(5) On the day so fixed the election shall take place in like manner as at the annual election.

Notice of election.

109. Within forty-eight hours from the election of any person to any office in connection with the trust, the returning officer shall cause to be delivered or posted to that person a notice informing him of the election, and within fourteen days of the election shall cause a notice thereof to be inserted in the *Gazette*.

Procedure where trust fails to hold election.

110. If—

(*a*) the trust fails to proceed, as required by this Act, to any election for twenty-one days from the last day on which the election is required by this Act to be held ; or

(*b*) by resignation or otherwise it happens that there are no members of the trust,

any justice resident within the district, or any special magistrate, may, upon the request in writing of any three ratepayers, do every act by this Act required to be done for holding the election, including the appointment of a day hour and place for nomination and a returning officer.

Mode of Holding Elections and Polls.

Returning officers.

111. For every election or poll the trust shall appoint a returning officer, who shall, *mutatis mutandis*, have all the powers conferrred by The Ballot Act of 1862, on a returning officer in case of an election, including the power to appoint deputies, and shall preside at the election or poll.

Polling place and hours of voting.

112. The trust shall appoint polling places for the election or poll. The voting at the election or poll shall commence at nine o'clock in the morning, and shall continue until all the voters present in each polling place at five o'clock in the afternoon have had an opportunity of voting, and shall then close.

Scrutineers.

113. (1) For the purpose of an election each candidate may appoint in writing one scrutineer to be present at each polling place.

(2) At a poll the trust shall appoint one scrutineer to be present at each polling place and the persons who demanded the poll may by writing under their hands or the hands of any three of them, appoint one scrutineer for each polling place.

(3) Any scrutineer may inspect the scrutiny and count of votes.

Polling booths.

114. At every election the returning officer, if it appears to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at each polling place; and the booths shall be divided into compartments as the returning officer thinks most convenient. The returning officer shall before the day fixed for taking votes, cause a copy of the assessment book to be furnished for use at each polling place.

Right to vote.

115. (1) At an election every person of the age of twenty-one years or upwards, whose name appears as a ratepayer in the assessment book in force for the time being, shall have one vote in each ward in which property owned or occupied by him is situated.

(2) At a poll every person of the age of twenty-one years or more, whose name appears as a ratepayer in the assessment book in force for the time being, shall have one vote.

(3) Any such ratepayer who at the time of the holding of the election or poll is distant more than twenty miles from the polling place, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his attorney under power, such power to be produced to the returning officer at the election or poll: Provided that a statutory declaration by the ratepayer as to his absence or intended absence, or as to such illness, is produced.

(4) A joint tenant or tenant in common or joint occupier shall have the same voting rights as if he were the sole owner or occupier, as the case may be, of land.

Issue of voting papers.

116. (1) Every person entitled to vote shall present himself personally or by attorney, to the returning officer or his deputy, at the polling place, and state his Christian name and surname, abode, profession or occupation, whether he is an owner or occupier of land and the place where his land is situate.

(2) The returning officer or deputy shall thereupon place a mark against the name of the voter or of his principal on the copy of the assessment book, and hand the voter a voting-paper which voting-paper or voting-papers shall bear the initials of the returning officer or deputy.

Contents of voting papers.

117. (1) In the case of an election the voting-paper shall contain the Christian names and surnames of the candidates arranged in alphabetical order, according to the surnames, and if there are several candidates of the same surname, then according to the Christian names of the candidates, and if there are several candidates of the same Christian names and surname, then as to those candidates in such order as the returning officer thinks proper. Every such voting-paper shall have a square printed opposite to the name of each candidate.

(2) In the case of a poll the voting-paper shall contain particulars of the proposal in respect of which the poll is taken and underneath such particulars the following sentences shall be written :—

I agree to the above proposal.

I object to the above proposal.

Every voting-paper shall have a square printed opposite to each of the said sentences.

(3) At the foot of the voting paper there may be inserted a direction that a vote is to be indicated by a cross within a square on the voting paper.

(4) Except as above provided, nothing shall be inserted in or placed on any voting-paper.

Mode of voting.

118. (1) The returning officer shall provide one or more separate apartments in each polling booth.

(2) The voter shall, on receiving his voting-paper, immediately retire to such an apartment, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate for whom he intends to vote, or opposite the affirmation or negation of the proposition voted upon, and shall then fold the paper and immediately deliver

it so folded to the returning officer or his deputy, who shall forthwith publicly, and without opening the paper, deposit it in a box to be provided for that purpose.

(3) No voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll.

(4) No voting-paper shall be received unless it is so folded as to render it impossible for the returning officer, his deputy, or any other person, to see how the vote is given.

Assistance to voters.

119. Any voter may signify to the returning officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance ; and thereupon the returning officer or deputy, if satisfied of such inability, shall permit any agent named by the voter to accompany him into the apartment or place for voting to mark the voting-paper on the voter's behalf, and shall receive the paper from the agent and deposit it in the ballot-box.

Persons entitled to be in polling place.

120. The only persons who shall be allowed to remain in the polling place or room shall be the persons about to vote, the returning officer, the deputy returning officers, and the scrutineers.

Questions to voters.

121. No inquiry shall be permitted at any election or poll as to the right of any person to vote, except as follows, that is to say :—The returning officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—

(i.) Are you the person whose name appears as..... and as a ratepayer in the assessment book of the Lower River Broughton Trust; or (in case of a person claiming to vote as attorney for a ratepayer). Are you the person mentioned as attorney for..... in the power of attorney under which you claim to vote, and is the person appointing you the person whose name appears as.....and as a ratepayer in the assessment book of the Lower River Broughton Irrigation Trust ?

(ii.) Have you already voted at the present election (or poll) except in a different capacity from that in which you now claim to vote ?

No person shall be entitled to vote unless his answer to the first question, if put, is in the affirmative, and to the second, if put, is in the negative. Any person who wilfully makes a false answer to either of such questions shall be guilty of an offence.

Voting twice and personation.

122. Any person who in the same capacity votes a second time in a ward for which he has already voted, or offers to vote a second time in such a ward, at any election or poll, or who personates any other person for the purpose of voting at any such election or poll, shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

Duty of returning officer as to ballot-box.

123. (1) Immediately before taking the votes the returning officer or deputy returning officer shall exhibit the ballot-box empty.

(2) Immediately upon the close of the voting, the returning officer or deputy returning officer shall publicly close and seal the box containing the voting-papers.

(3) Any returning officer or deputy returning officer who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

Count of votes and result of poll.

124. (1) At the close of the election or poll the returning officer shall—

(*a*) fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election or poll:

(*b*) in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election or poll:

(*c*) examine the voting-papers, and reject all such as contain crosses against the names of a larger number of persons than are required to be elected, or against both the affirmation and the negation of any proposition, or contain anything other than such matters as are hereinbefore prescribed for such voting-papers:

(*d*) openly declare the general state of the votes at the close of the election or poll, as the same is made up by him from the voting-papers:

(*e*) declare the name or names of the person or persons who have been duly elected, and in the event of the number of votes being found to have been equal for any two or more candidates, shall, by his casting-vote, decide which candidate shall be elected:

(*f*) declare any proposition or propositions carried or not, according as the majority of votes shall be for or against it and in the event of an equal number of votes for and against a proposition, shall by his casting-vote, decide for or against it.

(2) No returning officer shall vote at any election or poll at which he is returning officer, except in case of an equality of votes as aforesaid; but this provision shall not apply to a deputy returning officer.

Destruction of voting papers.

125. The returning officer shall destroy all voting-papers upon the expiration of two months after the declaration of the result of the election or poll: Provided that if upon such expiration any legal proceedings are pending as a result of the election, the voting papers shall be kept until the proceedings have been completed.

Payment of rates before voting.

126. (1) Except where otherwise provided, no person shall be entitled to nominate a candidate for election or to vote at any election or poll of ratepayers unless, before the day of nomination, or (as the case may be) at least ten days before the poll, all sums then due in respect of any rates which have been declared six months prior to the election or poll, and for the payment of which he is primarily liable, have been paid.

(2) Any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if any such rates are not paid.

(3) The secretary shall cause a list of all persons whose rates are paid in accordance with this section to be prepared for use at every polling place, and the list shall constitute the voters' roll in respect of that polling place. For the purpose of the annual elections, the list shall be compiled from the assessment book for the year ending the thirtieth day of June preceding the day of election.

Powers of returning officer.

127. (1) Every returning officer and his deputy shall have authority—

(*a*) to maintain and enforce order and keep the peace at any election or poll held by him:

(*b*) without any other warrant than this Act, to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under this Act or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election or poll, or of leaving or attempting to leave the polling-place after having received a voting-paper and before having deposited the same in the box, or of causing a disturbance at any election or poll:

(*c*) to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there.

(2) All members of the police force and special constables shall aid the returning officer, his deputy, or other person so appointed as aforesaid in the performance of his duty.

Bribery and corruption.

128. The following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by the candidate or by any agent authorized to act for him, that is to say :—

I. Giving money or any other article whatsoever to any elector with a view to influencing his vote :

II. Holding out to any elector any promise or expectation of profit, advancement, or enrichment in any shape in order to influence his vote, or making use of any threat to an elector, or otherwise intimidating him in any manner with a view to influencing his vote :

III. Treating any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance by steam or otherwise whilst at the election or whilst engaged in coming to or going from the election :

IV. Paying to any elector any sum of money for acting or joining in any procession during the election, or before or after the election.

V. Keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such places of entertainment or not :

VI. Giving any dinner, supper, breakfast or other entertainment at any place whatsoever to any number of electors with a view to influencing their votes.

Disqualification for bribery and corruption.

129. The commission of any one of the acts mentioned in the preceding section shall, on proof thereof, be held to render void the election of the person committing the act, and to disqualify him from being elected for the same office during the whole period that may intervene between the commission of the act and the time of the next periodical election.

Acts of agents.

130. The acts of all authorized agents of a candidate shall, in matters connected with elections, be held to be acts of their principal, if it is proved that the acts were committed with his knowledge or consent.

Bribery and corruption by unauthorized persons.

131. If any of the above-mentioned acts, hereby declared to be acts of bribery and corruption, are committed by any person not the authorized agent of any candidate, the said person shall be guilty of a misdemeanour, and liable to a fine not exceeding two hundred pounds, or imprisonment for not more than six months.

Rewards for voting or withholding vote.

132. If any person who has, or claims, to have, any right to vote in any election directly or indirectly asks, receives, or takes any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election; he shall be guilty of a misdemeanour and liable to a fine not exceeding two hundred pounds or imprisonment for not more than six months.

Offences by voters.

133. Any voter wilfully infringing any of the provisions of this Part, or obstructing the voting by any unnecessary delay in performing any act within the said polling booth or room, shall be guilty of an offence punishable summarily and liable to a fine not exceeding one hundred pounds.

No action for election expenses.

134. No action, suit, or other proceeding shall be maintainable against any person who is a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to the election.

Provision as to formal defects and impediments in election.

135. (1) No election or poll shall be held to be void in consequence solely of any delay in the holding of the election or poll at the time appointed, or the absence of the returning officer or any deputy returning officer, or any error on the part of any returning officer, or deputy returning officer, which does not affect the result of the election or poll, or of any error or impediment of a mere formal nature.

(2) Within the period of twenty days before or after the day appointed for the holding of any election or poll, the Governor may by proclamation extend the time allowed for the holding of the election or poll, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election or poll may be impeded, and may supply any deficiency that may otherwise affect the same.

PART IX.

PART IX.

MISCELLANEOUS PROVISIONS.

Penalty for obstructing trust, officers, etc.

136. Any person who at any time obstructs the trust, or the chairman or any member of the trust or any officer or person employed by the trust in the performance of anything which they are respectively empowered to do by this or any other Act shall be guilty of an offence.

False statements.

137. Any person who is examined upon oath, affirmation, or declaration by any court or the trust, or any justice or justices or other person, under the authority of this Act, and who wilfully, upon any such examination, makes any false statement, shall be guilty of perjury, and be punished accordingly.

Summary procedure.

138. All proceedings for any offence against this Act (not being a felony or misdemeanour), shall be disposed of summarily.

General Penalty.

139. The penalty for any offence against this Act (not being a felony or misdemeanour) for which no other penalty is specially provided shall be a fine not exceeding fifty pounds.

Conviction not to bar action.

140. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the trust or any person for compensation for or the prevention of injury that may result from the offence.

Services of notices.

141. (1) Subject to subsection (2) of this section any notice or other document required or permitted by this Act or any by-law under this Act to be served on any person may be served—

(*a*) by post; or

(*b*) by serving it personally on that person; or

(*c*) by leaving it with some adult inmate at the place of residence of that person; or

(*d*) if it relates to land which is unoccupied and the owner whereof is unknown to the trust, by putting it up in some conspicuous part of the land in which case it shall not be necessary in the notice to name the person to be served.

(2) Every notice or other document required or permitted by this Act or any by-law made under this Act to be served on the trust, may be served—

(*a*) by being given personally to the chairman or the secretary of the trust; or

(*b*) by post.

(3) This section shall not render invalid any mode of service otherwise permitted by law.

Saving provision as to rights of Crown to take waters.

142. If pursuant to any Act, any waters (whether of the River Broughton or any other waters) are conserved, diverted, distributed or otherwise disposed of by the Commissioner of Waterworks, the Government of the State, or any instrumentality of the Government, no person (including the trust and any ratepayer of and landholder within the district of the trust) shall be entitled to any compensation in respect of such conservation, diversion, distribution, or disposal in excess of the amount to which that person would have been entitled if this Act had not been passed.

Provision for cases of doubt or difficulty.

143. If any doubt or difficulty arises in connection with the appointment or election of the chairman or any member or officer of the trust or as the result of any alteration in the district of the trust or in any ward or in connection with the management, work, or operations of the trust, or otherwise in connection with the administration of this Act, the Governor may by proclamation make any order or declaration for the purpose of removing the doubt or difficulty or determining what is to be done in the circumstances, and the provisions of the proclamation shall be as valid and effectual as if they were enacted in this Act: Provided that no such proclamation shall be inconsistent with any express provision of this Act or shall diminish or take away any proprietary right of any person.

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

W. DUGAN, Governor.

SCHEDULES.

THE FIRST SCHEDULE.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938.

Form of Petition to Construct Works.

To the Lower River Broughton Irrigation Trust.

We, the undersigned, being a majority of landholders, and representing three-fourths in value of the land to be improved by the construction of the works hereinafter mentioned, hereby request you to construct the works following, namely [*describe works*].

The following are the lands which will in our opinion be benefited by such works [*here set out sections or blocks and hundreds*].

And we each undertake to pay our proportion of the cost of the construction of such works at the times and in the manner provided by the "Lower River Broughton Irrigation Trust Act, 1938".

The full names, addresses and occupations of each of us, and particulars of the lands to be benefited by the works of which we are landholders, are set out below :—

Christian and Surname in Full.	Address.	Occupation.	Particulars of Land giving Section Number and Hundred.	Signature.	Signature of Witness.

Dated the.....day of.....19..

Declaration by Witness.

I solemnly and sincerely declare that the signatures to the above petition, opposite to which my name is signed, are the genuine signatures of the persons whose signature they purport to be.

[*Signature of Witness*].....

Declared before me at.....this.....day of .....19.....

.....*Justice of the Peace.*

THE SECOND SCHEDULE.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938.

Notice of Apportionment.

The Lower River Broughton Irrigation Trust has made a preliminary apportionment of the cost of construction of [*describe works*] amongst the landholders of the lands benefited by such works.

Name of Landholder.	Section or Block and Hundred.	Amount of Apportionment.
		£ *s. d.*

Dated the.....day of.....19.....

.....
.....
.....

Chairman of the Trust.

Secretary of the Trust.

THE THIRD SCHEDULE.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938.

Notice of Objection.

To the Lower River Broughton Irrigation Trust,

Take notice that I object to the amount of the cost of [*here describe the works*] apportioned to me by the preliminary apportionment of the Lower River Broughton Irrigation Trust, on the ground that such amount is too much.

Dated the.....day of.....19.....

(Signature of objector) .....

(Address and occupation) .....

THE FOURTH SCHEDULE.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938.

Notice of Final Apportionment of the Cost of Constructing the [describe works.]

Name of Landholder.	Section or Block and Hundred.	Proportion of Cost to be Borne by Landholder.	Interest for Two Years as per Section 66.	Amount of Annual Instalments to be Paid by Each Landholder.	Date when First Instalment Becomes Due.
		£ *s. d.*		£ *s. d.*	

Dated the.....day of.....19....

.....
.....
.....

Chairman to the trust.

Secretary to the trust.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2427.

An Act to amend the Workmen's Compensation Act, 1932-1935.

[*Assented to 22nd December,* 1938.]

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 " Workmen's Compensation Act Amendment Act, 1938 ".

(2) The Workmen's Compensation Act, 1932-1935, is referred to in this Act as " the principal Act ".

(3) The Workmen's Compensation Act, 1932-1935, and this Act may be cited together as the " Workmen's Compensation Act, 1932-1938 ".

Incorporation.

2. This Act is incorporated with the Workmen's Compensation Act, 1932-1935, and that Act and this Act shall be read as one Act.

Enactment of Part IXA of principal Act—Silicosis.

3. The principal Act is amended by inserting therein after section 94 following Part :—

PART IXA.

SILICOSIS.

Definition.

94a. In this part—

" Silicosis " includes fibroid phthisis or silicosis of the lungs, or that disease accompanied by tuberculosis, or any other disease of the pulmonary or respiratory organs caused by exposure to silica dust.

Schemes for payment of compensation.

94b. The Minister shall by scheme provide for the payment of compensation by the employers to workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

(*a*) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from silicosis ; or

(*b*) who, though not totally disabled, are certified in like manner to be suffering from silicosis and are thereby disabled to such a degree as to make it dangerous to continue work in any such industry or process and are for that reason suspended from employment.

To whom compensation payable.

94c. The compensation shall be payable to or for the benefit of the workman or, in the event of his death, to or for the benefit of his dependants.

Conditions of payment of compensation.

94d. No compensation shall be payable to any such workman or, in the case of his death, to his dependants, unless at the date of his disablement or death he—

(*a*) has been continuously resident in South Australia during the five years immediately preceding the date of his disablement or death and has been employed in any industry or process specified as aforesaid for not less than three hundred days during such period of five years ; or

(*b*) has been resident in South Australia for not less than five years out of the seven years immediately preceding the date of his disablement or death and has been employed in any industry or process specified as aforesaid for not less than five hundred days during such period of seven years.

Amount of compensation.

94e. The amount of compensation payable upon the disablement or death of any workman to whom any scheme under this Part applies shall be the same as that which would be payable pursuant to the provisions of this Act if such disablement or death resulted from personal injury by accident arising out of and in the course of the employment of such workman.

Interpretation of dependants.

94f. The dependants entitled to compensation upon the death of any workman to whom any scheme under this Part applies shall be those persons who would be entitled to compensation under this Act if such death resulted from personal injury by accident arising out of and in the course of the employment of such workman.

Contents of schemes.

94g. Any scheme under this Part may provide—

(*a*) for the establishment of a general compensation fund to be administered in such manner as may be provided by the scheme ;

(*b*) for the payment of subscriptions by employers to such fund and for the recovery of such subscriptions and for the payment and recovery out of such fund of any compensation payable under the scheme and of any expenses of and incidental to the administration and management of the scheme ;

(*c*) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen with independent chairmen and for the appointment of and the procedure to be adopted before such committees ;

(*d*) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies and for their duties and powers in connection with the scheme ;

(*e*) for workmen to whom the scheme applies—

(i.) to submit themselves to periodical medical examinations ; and

(ii.) to furnish information with respect to their previous employment or medical history ;

(*f*) for making the right to compensation of any workman to whom the scheme applies conditional upon compliance with any requirement on his part contained in the scheme ;

(*g*) for the suspension from employment in any industry or process specified in the scheme of any workman who is found at any time to be suffering from silicosis or who, when first medically examined in pursuance of the scheme, fails to satisfy such requirements with respect to physique as may be prescribed by the scheme ; and

(*h*) for the application either with or without modification of any of the provisions of this Act and for defining the industries or processes to which the scheme applies and generally for such further or supplemental matters including provisions for the settlement of disputes arising between employers and the authority administering the fund as appear necessary or desirable for giving full effect to the scheme.

Variation and effect of Schemes.

94h. The provisions of any scheme under this Part may be extended or varied by any subsequent scheme made in like manner and shall be effectual for all purposes as if enacted in this Part.

Publication of Schemes and disallowance by Parliament.

94i. (1) Any scheme under this Part shall—

(i.) be published in the *Government Gazette ;*

(ii.) take effect from the date of publication or from a later date to be specified in such scheme ; and

(iii.) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in session, and if not, then within fourteen days of the commencement of the session next after such publication.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after such scheme has been laid before such House, disallowing the scheme or any part thereof, such scheme or part shall thereupon cease to have effect.

Exemption from duty to insure.

94j. Notwithstanding any other provision of this Act no employer to whom any scheme under this Part applies shall be obliged to insure against liability for any compensation payable to a workman under any such scheme.

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

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

****

No. 2428.

An Act to amend the Matrimonial Causes Act, 1929-1936.

[*Reserved, 15th December,* 1938.
Royal Assent Proclaimed, 15th February, 1939.]

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. (1) This Act may be cited as the " Matrimonial Causes Act Amendment Act, 1938 ".

(2) The Matrimonial Causes Act, 1929-1936, is in this Act 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 s. 6 of the principal Act—Amendment of grounds for divorce.

3. (1) Section 6 of the principal Act is amended by striking out the word " five " in paragraphs (*c*) and (*j*) and substituting therefor in each case the word " three," and by inserting at the end thereof the following paragraph—

(*k*) that during the five years preceding the commencement of the action the husband and wife have been living separately under and pursuant to a decree or order, granting a judicial separation or relief from cohabitation, and made whether before or after the enactment of this paragraph by any court, whether superior or inferior, in any part of His Majesty's dominions.

In computing the period of separation for the purposes of this paragraph, separation before the enactment of this paragraph may be taken into account :

Provided that if the claim for divorce is made by a husband against whom the decree or order for judicial separation or relief from cohabitation has been made the court may refuse to make the order for divorce until such husband has made such provision for the maintenance of the wife and any children of the marriage as the court thinks proper.

Enactment of s. 39a of the principal Act—

(2) The following section is enacted and inserted in the principal Act after section 39 thereof:—

Contents of certain orders.

39a. When any order for divorce is made on the grounds set out in paragraph (*k*) of section 6 of this Act at the suit of the party against whom the judicial separation or relief from cohabitation has been granted, the order for divorce shall set out the circumstances in which it has been made.

Reserved for the signification of His Majesty the King's pleasure thereon.

W. DUGAN, Governor.

ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

***

3. Section 10 of the principal Act is amended so as to read as follows :— Amendment of principal Act s. 10.

10. The Trust may in its absolute discretion from time to time apply the whole or any part of the surplus income and rents referred to in subsection (3) of Section 5 in or towards— Power to use surplus income etc.

(*a*) the purchase of cottage homes or the purchase of freehold land and erection of cottage homes thereon in all respects as if the same were moneys held by it upon trust under the provisions of section 9 either together with or independently of the proceeds of any sale as is mentioned in sections 8 and 9.

(*b*) payment of the rent or portion of the rent of a house or houses (other than the cottage homes forming portion of the trust property) for or on behalf of a person or persons eligible to occupy any of the said cottage homes.

4. The amendment made by Section 3 hereof shall be deemed to take effect from the first day of May 1937. Commencement of Section 3.

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

W. DUGAN, Governor.

Acts reprinted pursuant to the Amendments Incorporation Act, 1937.

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938

BUILDING SOCIETIES ACT, 1881-1938

FISHERIES ACT, 1917-1938

LOTTERY AND GAMING ACT, 1936-1938

ROAD TRAFFIC ACT, 1934-1938

With notes of judicial decisions affecting sections of the reprinted Acts.

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938.

BEING

ANIMALS AND BIRDS PROTECTION ACT, 1919, No. 1365 OF 1919 [ASSENTED TO 16TH OCTOBER, 1919.]

AS AMENDED BY

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT 1922, No. 1534 OF 1922 [ASSENTED TO 21ST DECEMBER, 1922.]

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1927, No. 1833 OF 1927 [ASSENTED TO 5TH JANUARY, 1928.]

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1928, No. 1855 OF 1928 [ASSENTED TO 4TH OCTOBER, 1928.]

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT 1932, No. 2073 OF 1932 [ASSENTED TO 3RD NOVEMBER, 1932.]

STATUTE LAW REVISION ACT, 1934, No, 2168 OF 1934 [ASSENTED TO 15TH NOVEMBER, 1934.]

AND

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1938, No. 2390 OF 1938 [ASSENTED TO 22ND SEPTEMBER, 1938.]

An Act to provide for the protection of wild animals and birds, and to regulate the use of firearms for the purpose of sport, and for other purposes.

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

1. This Act may be cited as the "Animals and Birds Protection Act, 1919-1938." Short title. Cf. U.K., 1 & 2, Will 4, c. 32.

2. The Acts mentioned in the first schedule hereto are hereby repealed. Repeal of certain Acts.

3. In this Act, except where the context otherwise requires or some other meaning is clearly intended— Interpretation. Cf. 1106, 1912, s. 3. Amended by 1534, 1922, s. 3.

"animal" means any wild mammalian animal of any kind, whether native or introduced:

"carcass" means the carcass of an animal or bird, and includes any part of the carcass of an animal or bird:

"close season" means, with regard to an animal or bird of any kind, the period of time during which animals or birds of that kind are protected:

"closed area" means any area declared under this Act to be a closed area:

Substituted by 2390, 1938, s. 2 (a).

"Crown lands" means all lands in the State except—

(*a*) lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown;

(*b*) lands subject to any agreement for sale or purchase, lease, or licence lawfully granted by or on behalf of the Crown,

and includes all lands which, having been granted or held under agreement or lease, have been or are surrendered and all lands, which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted to or revert to, or have been or are acquired by, the Crown:

Inserted by 2390, 1938, s. 2 (b).

"day" means a period of twenty-four hours commencing from midnight:

"device" means any implement, gear, trap, contrivance, or engine (other than gun) used to take any animals or birds:

Cf. U.K., 33 & 34 Vict., c. 57, s. 8.

"gun" includes a firearm of any description, and any air-gun, and any kind of gun from which any shot, bullet, or other missile can be discharged:

"inspector" means an inspector appointed under this Act, and includes the chief inspector, and any member of the police force:

Amended by 2390, 1938, s. 2 (c).

"Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor:

"protected" means protected by this Act:

"skin" means the skin of an animal, and includes any part of the skin of an animal:

"take" includes any act of hunting, catching, destroying, killing, or injuring, or of attempting or assisting to hunt, catch, destroy, kill, or injure:

"this Act" includes proclamations made under this Act:

"waters" includes the sea and all bays, gulfs, and inlets of the sea, and every lake and lagoon, river, creek, and stream, and any waters on or over private land.

The verb to sell includes—

i. to sell, barter, or exchange;

ii. to agree to sell, barter, or exchange;

iii. to offer, expose, store, have in possession, send, consign, or deliver for or on sale;

iv. to receive for sale;

v. to cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged;

vi. to cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for on sale;

vii. to cause or suffer to be received for sale; and

viii. to attempt to do any of such acts or things;

and the word "sale" shall be construed accordingly.

The verb to buy includes to buy, to receive or accept under an agreement to sell, and to offer to receive or accept or cause or suffer to be received or accepted under an agreement to sell.

4. Unless otherwise prescribed, the provisions of this Act shall apply throughout the whole of the State of South Australia.

Application of the Act.
Cf. 1106, 1912, s. 4.

5. (1) The Governor shall appoint the Chief Inspector of Fisheries to be the chief inspector under this Act, and may appoint such inspectors and other officers as he thinks fit to carry out the provisions of this Act.

Appointment of officers.
Cf. ibid., s. 5.

(2) Every member of the police force shall, by virtue of his office, be an inspector under this Act.

Protection of Animals and Birds.

6. (1) All animals and birds which are not mentioned in the third or fourth schedule are hereby wholly protected.

Animals protected wholly.
Cf. ibid., s. 6.

(2) The animals and birds mentioned in the third schedule are hereby partly protected.

Subsec. (1) substituted by 2390, 1938, s. 3.

(3) The animals and birds mentioned in the fourth schedule are unprotected.

Close season. Cf. 1106, 1912, s. 7. Cf. U.K., 1 & 2, Will. 4, c. 32, s. 3 (part). Cf. U.K., 22 & 23 Geo. 5, c. 23, s. 1.

7. (1) Wholly protected animals and wholly protected birds are protected animals and protected birds at all times.

(2) Partly protected animals and partly protected birds are protected animals and protected birds during the period specified in the third schedule, or during such other period as is prescribed.

Powers of the Governor. Cf. 1106, 1912, s. 8.

8. (1) The Governor may from time to time, by proclamation—

Para. (a) repealed and paras. (a) to to (a2) inserted by 2390, 1938, s. 4 (a).

(*a*) include any animal or bird in the third or fourth schedule:

(*a*1) transfer any animal or bird from the third or fourth schedule to the other of the said schedules:

(*a*2) remove any animal or bird from the third or fourth schedule:

Amended by 1534, 1922, s. 4 (a).

(*b*) prescribe either for the whole State or any specified portion thereof a close season for any partly protected animal or partly protected bird, either in substitution for the period specified in the third schedule or otherwise:

Inserted by 2390, 1938, s. 4 (b).

(*b*1) prescribe either for the whole State or any specified portion thereof and subject to any conditions specified in the proclamation, a period to be specified in the proclamation during which any wholly protected or partly protected animal or bird shall cease to be protected within the area specified in the proclamation and may lawfully be taken:

Amended by 1534, 1922, s. 4 (b).

(*c*) prescribe any area within which the provisions of this Act or any specified provisions of this Act shall or shall not apply with respect to animals or birds generally, or to any particular kind of animal or bird:

Amended by 1534, 1922, s. 4 (c).

(*d*) declare any Crown lands, or any other land with the consent of the owner and the occupier of such other land or any waters in or over which all proprietary rights are vested in the Crown or any other waters with the consent of all persons whose proprietary rights are thereby affected to be a closed area with respect to animals or birds generally, or to any particular kind of animal or bird:

Amended by 2390, 1938, s. 4 (c) and (d).

(*e*) with respect to any kind of animal or bird mentioned in the third schedule, or with respect to any animal or bird which is for the time being unprotected pursuant to any proclamation made under paragraph

(*b*1) of this subsection, fix the maximum number of animals or birds of that kind which may be taken by any one person on any day on which such animals or birds may lawfully be taken: Provided that different maximum numbers may be fixed with respect to persons holding gun licences and persons holding game licences:

(*f*) declare any specified device, or any specified device which is used in any other than the manner prescribed for its use, to be an illegal device: Paras. (f) and (g) inserted by 1534, 1922, s. 4 (d).

(*g*) declare any animal or bird to be a prohibited animal or bird:

(*h*) prescribe rates of royalties payable in respect of any animals or birds or the skins or carcasses of any animals or birds taken pursuant to this Act. Para (h) inserted by 1833, 1927, s. 2.

(2) The Governor may, by proclamation, revoke any proclamation made pursuant to this section. Subsec. (2) inserted by 1534, 1922, s. 4 (e).

8a. (1) Notwithstanding any provision of this Act or any proclamation or regulation made thereunder, the close season for ducks of all species throughout the whole State shall be from the first day of July until the thirteenth day of February, both dates included, and the close season for quail of all species throughout the whole State shall be from the first day of August until the thirteenth day of February, both dates included. Close season for duck and quail. Cf. U.K., 1 & 2 Will. 4, c. 32, s. 3. Inserted by 2073, 1932, s. 3, as amended by S.L.R. Act, 1934.

(2) Notwithstanding any provision of this Act, no proclamation or regulation shall be made so as to prescribe for the birds mentioned in this section any other close season than that fixed by this section, and any proclamation or regulation in force at the third day of November, nineteen hundred and thirty-two, or made or purporting to be made after the said day, shall to the extent to which it fixes any other close season, be void and inoperative.

9. (1) All animals and birds with respect to which a closed area has been declared shall, within such closed area, be deemed to be wholly protected animals and wholly protected birds, notwithstanding that they are elsewhere only partly protected or are unprotected. Closed areas. Cf. 1106, 1912, s. 9.

(2) Any dog found trespassing upon any closed area may be destroyed by an inspector, the owner of any land forming part of such closed area whereon the dog is found, or any person authorised by such owner, and the destruction thereof shall not confer any right to compensation upon any person. Amended by 1534, 1922, s. 5.

Permits to take animals and birds for scientific purposes or domestic pets. Cf. 1106, 1912, s. 10.

10. (1) The Minister may grant permits for the taking, on Crown lands or on any other land with the consent of the occupier of such land, for scientific purposes, of any protected animals or birds, or the eggs of any protected birds, or for the taking, on Crown lands or on any other land with such consent as aforesaid, of any protected animals or birds for the purpose of the same being kept in confinement or in a domesticated state.

(2) The Minister may also grant permits to sell any protected animals or birds which have been bred in captivity, or any protected animals or birds which have been lawfully taken for the purpose of the same being kept in confinement or in a domesticated state.

Inserted by 1833, 1927, s. 3 (a).

(2*a*) In any case where the Minister is satisfied that the occupier of any land is desirous of breeding for sale any protected animals or birds on the said land, and the Minister is of opinion that it is desirable to issue a permit as is hereinafter mentioned, the Minister may issue a permit to such occupier of land to take on the said land any protected animals or birds of the kinds specified in the permit and to sell any such animals or birds or the carcasses or skins thereof.

Amended by 1833, 1927, s. 3 (b).

(3) Every permit granted hereunder shall be issued subject to the payment of any fee prescribed by regulation and may be issued subject to such restrictions and upon such terms as the Minister thinks fit: Provided that—

i. every permit shall be liable to revocation by the Minister;

ii. every permit shall specify a period during which the same will remain in force unless revoked before the expiration of such period; and

iii. in no case shall such period exceed twelve months.

Special powers of the Minister.

11. In addition to all other things which he is by this Act empowered or required to do, the Minister may—

(*a*) appoint persons (in addition to the persons appointed by this Act) to issue game and gun licences under this Act;

(*b*) direct the manner in which any forfeited property may be disposed of;

Inserted by 2390, 1938, s. 5.

(*b*1) upon the application of any person holding any licence under this Act, cancel the licence and refund to that person such portion of the licence fee as the

Minister thinks fit, but not exceeding such proportion of the fee as the unexpired portion of the term of the licence bears to the full term of the licence;

(*c*) revoke any game or gun licence issued under this Act; and

(*d*) do all things which may be necessary or convenient for carrying into effect the provisions and objects of this Act.

12. Every inspector may, at any time, without any warrant other than this Act— Powers of inspectors. Cf. 1106, 1912, s. 11.

(*a*) apprehend any person offending against the provision of this Act who refuses on demand to give his name and address, or who in the opinion of the inspector gives a false name or address:

(*b*) enter and search any premises or place where there is, or he reasonably suspects there is, any animal, or the carcass or skin of any animal, or any bird, or the carcass or any feathers of any bird, or any eggs, taken, or which he reasonably suspects to have been taken in contravention of the provisions of this Act, or where any animal, or the carcass or skin of any animal, or any bird, or the carcass or any feathers of any bird, is or are on sale, or in which he believes the same to be on sale: Amended by 2390, 1938, s. 6 (a).

(*c*) search any vehicle or boat or vessel, or any box, receptacle, or package, and open any box, receptacle, or package containing, or which he reasonably suspects to contain, any animal or bird or any eggs, feathers, carcass, or skin taken, or which he reasonably suspects to have been taken, in contravention of the provisions of this Act, and examine any such animal or bird or feathers, eggs, carcass or skin: Amended by 2390, 1938, s. 6 (b).

(*c*1) enter and search any premises, or search any vehicle, boat, vessel, or any box, receptacle, or package, or open any box, receptacle, or package containing, or which he reasonably suspects to contain, any article made from the feathers, carcass, or skin of any animal or bird taken in contravention of the provisions of this Act, and examine any such article: Inserted by 2390, 1938, s. 6 (c).

(*d*) seize any property forfeited by, or which he has reason to believe to be liable to forfeiture under, this Act:

(*e*) demand the production of any licence or permit issued under this Act:

(*f*) demand the name and address of any person whom he has reason to suspect of any offence against the provisions of this Act: and

(*g*) do any other thing prescribed, or which may be necessary for enforcing the provisions of this Act, or for detecting offences against this Act.

Forfeiture.
Cf. 1106, 1912, s. 12.
Amended by 1534, 1922, s. 6.

13. Every animal or bird taken and the carcass and skin of every animal taken and the carcass and feathers of every bird taken, and all eggs taken in contravention of any provision of this Act are hereby forfeited to His Majesty and shall be disposed of as directed by the Minister or any person generally authorised by the Minister to give directions under this section, and the forfeiture and disposal thereof shall not confer any right to compensation upon any person.

Payment of royalties.
Cf. Qld. 13, 1924, s. 2 (4).
Inserted by 1833, 1927, s. 4.

13a. (1) There shall be charged and paid in respect of every animal or bird or the skin or carcass of every animal or bird of any kind fixed by proclamation which is taken in South Australia pursuant to this Act, a royalty at such rate per centum of the selling value thereof as is prescribed by proclamation. The said royalty may vary in respect of different animals or birds or the skins or carcasses thereof.

(2) The selling value of any animal or bird or the skin or carcass of any animal or bird shall in any case where the animal or bird or skin or carcass thereof is sold by auction, be the actual gross price thereof. In all other cases the selling value shall be the amount fixed by the chief inspector as the selling value in respect thereof.

(3) The royalty shall be payable by the person who takes the animal or bird, but every person who, whether on his own behalf or on behalf of any other person, deals in animals or birds or the skins or carcasses thereof shall be liable for the payment of the prescribed royalty thereon, unless the royalty shall have been previously paid.

Collection of royalties.
Inserted by 1833, 1927, s. 4.

13b. (1) The Governor may, for the purpose of carrying out the provisions of section 13*a*, appoint collectors of royalty, and a notification of every such appointment shall be published in the *Government Gazette*.

(2) On receipt of the prescribed royalty the collector shall, in accordance with the regulations, cause the animal or bird or skin or carcass thereof to be branded or otherwise marked with a prescribed brand or mark as evidence of payment of the royalty. In lieu of the receipt of the prescribed royalty, the collector may, in any case he thinks fit, accept an undertaking in writing to pay the prescribed royalty. Amended by 2390, 1938, s. 7 (a).

(3) A collector or inspector may seize any animal or bird or the skin or carcass thereof charged with the payment of royalty under this section in respect of which the royalty has not been paid or undertaken to be paid, and may keep possession thereof until the royalty is paid. Amended by 2390, 1938, s. 7 (b).

(4) The Minister may recover on behalf of the Crown any royalty payable under section 13*a* by action or proceding in his official name in the Supreme Court or in any local court or in any court of summary jurisdiction, and may also in like manner, apply for and obtain from any such court an order for sale of any animal or bird or the skin or carcass of any animal or bird charged with the payment of royalty hereunder. The proceeds of any such sale shall be applied as the Minister directs.

Penalties. Inserted by 1833, 1927, s. 4 and amended by S.L.R. Act, 1934.

13c. (1) Any person who evades or attempts to evade payment of royalty under section 13*a* shall be liable to a penalty not exceeding fifty pounds. A prosecution for an offence against this section may be brought at any time within six months after the fact of the commission of the offence came to the knowledge of the Minister.

(2) In any action or proceeding under section 13*b* or this section the fact that any animal or bird or the skin or carcass of any animal or bird is not branded or marked with the prescribed brand or mark as aforesaid shall be *prima facie* evidence that royalty thereon has not been paid.

(3) In any action or proceeding under section 13*b* or this section the onus of proof that royalty has been paid on any animal or bird, or the skin or carcass thereof, shall be upon the defendant.

Licensing of dealers. Cf. U.K., 1 & 2 Will. 4, c. 32, s. 18. Inserted by 1833, 1927, s. 4, and amended by 2390, 1938, s. 8.

13d. (1) The chief inspector may on receipt of the prescribed fee issue a dealer's licence to any person who, in the opinion of the chief inspector, is a fit and proper person to be the holder of a dealer's licence.

(2) If any person not being the holder of a dealer's licence buys from the holder of any game licence any animal or bird or the carcass or skin thereof upon which royalty is payable under this Act, and whether the royalty has been paid or not,

without first obtaining the consent in writing of the chief inspector to such sale, then both the said person and the said holder of the game licence shall be guilty of an offence against this Act.

Regulations. Inserted by 1833, 1927, s. 4.

13e. In addition to any other powers to make regulations conferred by this Act, the Governor may make regulations prescribing means for the prevention of the evasion of the payment of royalties under section 13*a*, and for the mode of enforcing payment thereof.

Offences. 1106, 1912, s. 13. 745, 1900, s. 4. Cf. U.K., 1 & 2 Will. 4, c. 32, s. 4.

14. (1) Every person shall be guilty of an offence against this Act who—

(*a*) takes any protected animal or bird or the eggs of any protected bird;

Amended by 2390, 1938, s. 9 (a).

(*b*) takes on any one day on which such animals or birds may lawfully be taken a greater number of any kind of animal or bird than is prescribed;

(*c*) has any protected animal or bird, or the carcass or skin of any protected animal or the carcass or any eggs or feathers of any protected bird, in his possession or under his control;

(*d*) buys or sells any protected animal or bird or the carcass or skin of any protected animal or the carcass or any eggs or feathers of any protected bird, or any article wholly or partially made from the skin of any protected animal or bird or the feathers of any protected bird;

Amended by 2390, 1938, s. 9 (b).

(*e*) without the consent of the chief inspector exports, or keeps for the purpose of export, any protected animal or bird or the carcass or skin of any protected animal or the carcass or any eggs or feathers of any protected bird;

(*f*) enters, or is upon, any closed area with any gun, net, trap, or other instrument capable of being used for the purpose of taking any animal or bird: Provided that this subdivision shall not apply to any person so acting under authority from the Minister, or from any person or body, corporate or otherwise, in whom the control of such closed area is vested;

s. 14. (1) (*a*). COLLATON v. BOOTHEY (1934) S.A.S.R. 429. *Semble*, that section 14 (1) (*a*) does not apply to an animal or bird which is a domestic pet.

(*g*) uses, discharges, carries, keeps, or has in his possession for the purpose of shooting at any animals or birds any gun the bore of which is greater than No. 10; Amended by 2390, 1938, s. 9 (c).

(*h*) refuses to give his name or address, or to produce any licence or permit, when lawfully demanded under this Act;

(*i*) refuses to deliver up to any inspector any property forfeited by, or liable to forfeiture under, this Act; Amended by S.L.R. Act, 1934.

(*j*) resists, or in any way interferes with or hinders, any inspector in the execution of his duty;

(*k*) takes any animal or bird with an illegal device; Paras. (k) and (l) inserted by 1534, 1922, s. 7.

(*l*) imports into the State, from any country outside the Commonwealth, without the consent in writing of the Minister, any prohibited animal or bird.

(2) The provisions of paragraphs (*c*), (*d*), and (*e*) of subsection (1) shall apply whether the animals or birds referred to in the said paragraphs were taken within the State or outside the State. Inserted by 1833, 1927, s. 5.

(3) It shall be a defence— Inserted by 2390, 1938, s. 9 (d).

(*a*) to any proceedings under paragraph (*a*) of subsection (1) if proof is given that at the time and place the animal or bird or eggs were taken the animal or bird was not a protected animal or bird, or that the animal or bird was taken pursuant to an authority granted under subsection (2) of section 20;

(*b*) to any proceedings under paragraph (*c*) of subsection (1) wherein any person is charged with having in his possession or under his control the carcass, skin, eggs, or feathers of any animal or bird, if proof is given that at the time and place the animal or bird or eggs were taken, the animal or bird was not a protected animal or bird;

(*c*) to any proceedings under paragraph (*d*) of subsection (1) if proof is given that at the time and place the animal or bird was taken the animal or bird was not a protected animal or bird, or, as the case may be, that the carcass or skin of the animal or the carcass, eggs, or feathers of the bird were sold pursuant to the consent of the Minister under subsection (3) of section 20, or, as the case may be, that the article was made from the skin or feathers of an animal or a bird which at the time and place it was taken was not a protected animal or bird;

(*d*) to any proceedings under paragraph (*e*) of subsection (1) if proof is given that at the time and place the animal or bird was taken, the animal or bird was not a protected animal or bird.

Inserted by 2390, 1938, s. 9 (d).

(4) In any proceedings under paragraph (*c*), (*d*), or (*e*) of subsection (1), wherein any person is charged with having in his possession or under his control the carcass or skin of any protected animal or bird, or with buying or selling the carcass or skin of or any article wholly or partially made from the skin of any protected animal or bird, or with exporting or keeping for export the carcass or skin of any protected animal or bird, it shall be a defence if proof is given that the carcass or skin has been branded with a brand showing that the prescribed royalty has been paid thereon pursuant to this Act, or if other proof is given that the prescribed royalty has been paid or undertaken to be paid pursuant to this Act in respect of the carcass or skin.

Presumption as to carcasses of partly protected animals and birds.
1106, 1912, s. 14.

15. In the case of partly protected animals and partly protected birds, any carcass or skin and any eggs or feathers as to which during the close season any question arises shall be deemed to be and to have been the carcass or skin of a protected animal or the carcass or eggs or feathers of a protected bird, as the case may require, unless it is proved that the animal or bird or eggs or feathers were in fact taken before the commencement of such close season.

Use of artificial light for taking opossums an offence.
Cf., ibid, s. 15.

16. Every person who uses any artificial light for the purpose of taking any opossum shall be guilty of an offence against this Act.

Scaring away birds from soaks in Coorong, etc., prohibited.

17. Every person who erects or places near any water or soak in those portions of the State known as the Coorong, and Lakes Alexandrina and Albert, any scare-crow or other device for the purpose of scaring away birds from such water or soak shall be guilty of an offence against this Act.

Trespasser to give name, etc., and quit when required.
Cf. ibid., s. 16.
Cf. U.K., 9 Geo. 4, c. 69, s. 2.
Cf. U.K., 1 & 2 Will. 4, c. 32, s. 31.

18. The owner or occupier of any land, or the servant or agent of such owner or occupier, may demand the name and address of any person trespassing upon such land whom he suspects of any offence against this Act, and may require any such trespasser to quit such land.

19. (1) Every person shall be guilty of an offence against this Act who— Offences by trespasser. Cf. 1106, 1912, s. 17.

(*a*) enters or is upon any land, other than Crown lands, for the purpose of taking any animal or bird or any eggs of any bird without the permission of the owner or occupier of such land;

(*b*) refuses to give his name and address, or gives a false name or address, when lawfully demanded under section 18;

(*c*) refuses to quit any land when lawfully required under section 18; or

(*d*) re-enters upon any land after having been lawfully required under section 18 to quit the same.

(2) In any proceedings for any offence under this section the onus of proving the permission of the owner or occupier shall lie upon the defendant.

(3) In any proceedings for any offence under subdivision (*a*) of subsection (1) of this section, proof that any person who was on any such land as therein referred to had with him or in his possession any dog, gun, net, trap, or other instrument capable of being used for the purpose of taking any animal or bird shall be *prima facie* evidence that such person entered or was upon such land for the purpose of taking some animal or bird.

20. (1) Notwithstanding anything in this Act, it shall be lawful for— Exemption in certain cases. Cf. ibid., s. 18.

(*a*) any aboriginal inhabitant of this State to take any animal or bird or any eggs of any bird upon any Crown lands (other than a closed area), or upon any other land with the consent of the occupier of such land, sufficient only for food for himself or his family, but not for sale:

(*b*) any person to keep any animal or bird as a domestic pet:

* * * * * * Para. (c) repealed by 2390, 1938, s. 10 (a).

(2) If the chief inspector is satisfied that damage or injury to any person's crops or property is being committed or is likely to be committed by any protected animals or birds, he Inserted by 2390, 1938, s. 10 (b).

may, by notice in writing, authorise the said person or any other persons named in the notice to destroy any specified number of animals or birds of the kind specified in the authority which are found upon the land upon which the crops or property is situated. Any such authority may be given upon such terms and conditions as the chief inspector thinks fit, and may be revoked by him at any time.

Inserted by 2390, 1938, s. 10 (b).

(3) It shall be lawful for any person to take any protected animal or bird in pursuance of any authority given pursuant to subsection (2), but the carcass or skin of any animal so taken, and the carcass, eggs, or feathers of any bird so taken shall be sold only if the consent in writing of the Minister to the sale is first obtained.

Power to curtail privileges of aboriginals.

21. Notwithstanding anything contained in this Act, the Governor may, if he is satisfied that any of the privileges conferred by this Act upon any aboriginal inhabitants of this State have been or are being abused, by regulation curtail such privileges in such manner and for such period and in such part or parts of this State as he thinks proper.

Exemption of permittees to take animals or birds for scientific purposes or for domestic pets.

Cf. 1106, 1912, s. 19.

22. Nothing in this Act—

Para. (a) substituted by 2390, 1938, s. 11 (a).

(*a*) shall render unlawful anything done by any person pursuant to a permit granted by the Minister or an authority granted by the chief inspector under this Act;

(*b*) shall render unlawful the buying of protected animals or birds from any person to whom a permit has been granted by the Minister to sell such animals or birds: Provided that the sale is within the authority conferred by such permit; or

Para. (c) repealed by 2390, 1938, s. 11 (b).

* * * * * *

Amended by 2390, 1938, s. 11 (c).

(*d*) shall apply in respect of any animal or bird taken for or kept by the South Australian Zoological and Acclimatisation Society, Incorporated, or the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia: Provided that if any animal or bird is taken for either of the said bodies by any person, such person at the time of taking has the written authority thereof to take the animal or bird.

Use of Firearms.

Heading amended by 2390, 1938, s. 12.

Persons using firearms for sport to be licensed.

Cf. 6, 1875, s. 1.
Cf. U.K., 33 & 34 Vict., c. 57, s. 7.
Amended by 1833, 1927, s. 7, and S.L.R. Act, 1934.

23. Any person not being the holder of a licence in that behalf under this Act (in this Act called a "gun licence") who uses, discharges, carries, keeps, or has in his possession any gun for the purpose of shooting at any animals or birds shall be guilty of an offence against this Act:

Provided that this section shall not apply—

I. to any occupier of any land, or any employee or member of the household of any such occupier, using, discharging, carrying, keeping, or having in his possession any gun (not being a gun the bore of which is greater than No. 10) for the sole purpose of shooting as aforesaid on such land; nor

II. to any aboriginal inhabitant of this State.

Shooting by holders of gun licences on Sundays an offence.

Cf. 6, 1875, s. 3.
Cf. U.K., 1 & 2 Will. 4, c. 32, s. 3.
Amended by 1833, 1927, s. 7, and S.L.R. Act, 1934.

24. No gun licence issued under this Act shall have any operation or effect on any Sunday, and the holder of any such licence who on any Sunday uses, discharges, carries, or has in his possession any gun for the purpose of shooting at any animals or birds shall be guilty of an offence against this Act: Provided that this section shall not apply in any part or parts of the State which are declared by proclamation to be exempted from the operation thereof, nor to any holder of a gun licence carrying or having in his possession outside any such exempted part of the State any gun for the purpose of the same being lawfully used within such exempted part.

Persons taking animals or birds for sale to be licensed.

Cf. U.K., 1 & 2 Will. 4, c. 32, s. 18.

25. (1) Any person not being the holder of a licence in that behalf under this Act (in this Act called a "game licence") who, at any time when the same may lawfully be taken, takes an animal or bird of any of the kinds mentioned in the third schedule or the eggs of any such bird for the purposes of sale shall be guilty of an offence against this Act.

Inserted by 2390, 1938, s. 13.

(1*a*) Any person who sells the carcass or skin of any animal or bird of any of the kinds mentioned in the third schedule or the eggs of any such bird, shall be guilty of an offence against this Act unless he satisfies the court that he is—

(*a*) the holder of a game licence; or

(*b*) the holder of a consent to sell such carcass, skin, or eggs granted by the Minister under subsection (3) of section 20; or

(*c*) the holder of a licence under the Hide, Skin, and Wool Dealers Act, 1915-1935.

(2) Any person who is the holder of a game licence shall be deemed to be also the holder of a gun licence under this Act.

Subsecs. (2a) and (2b) inserted by 1833, 1927, s. 8.

(2*a*) Any such game licence may authorise the holder thereof to take animals and birds and the eggs of birds as aforesaid—

(*a*) throughout the whole of the State; or

(*b*) within any portion or portions of the State specified in the game licence; or

(*c*) upon any land specified in the game licence which is occupied by the holder thereof.

(2*b*) The holder of any game licence issued pursuant to paragraph (*b*) or (*c*) of subsection (2*a*) hereof shall be deemed to be the holder of a game licence only within the portions of the State specified in the said game licence.

Inserted by 1855, 1928, s. 2.

(2*c*) Any game licence issued pursuant to this section (in addition to any other restrictions contained therein) may authorise the holder thereof only to take the animals and birds specified in the licence, and no other, or any animals and birds other than those specified in the licence.

Gun and game licences. Cf. U.K., 33 & 34 Vict., c. 57, s. 5. Amended by 1833, 1927, s. 9, and 1855, 1928, s. 3.

26. (1) Gun licences and game licences under this Act shall be issued in the prescribed form and upon payment of the fees prescribed by regulation. The fee prescribed in respect of any of the kinds of game licence mentioned in subsection (2*a*) or (2*c*) of section 25 may be greater or less than the fee prescribed in respect of any of the other kinds of game licence mentioned as aforesaid.

Amended by 2390, 1938, s. 14 (a).

(2) Such licences shall be yearly licences, and may be issued at any time: Provided that every licence shall expire on the last day of December next after the same is issued: Provided further that if any licence is issued after the thirtieth day of June in any year one-half only of the prescribed fee shall be payable.

Inserted by 2390, 1938, s. 14 (b).

(2*a*) If application is made by any person who is the holder of a current licence, a licence of the same kind may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall, for the purposes of subsection (2) be deemed to be issued upon the date of the expiry of the current licence.

(3) All fees payable for gun licences and game licences shall, when received, be paid by the person receiving the same to the Treasurer for the purposes of the general revenue of the State.

Issue of licences.
Cf. 1293, 1917, s. 15.

27. (*a*) The chief inspector and every member of the police force who is for the time being in charge of any police station is hereby appointed and authorised to issue gun licences, and

(*b*) the chief inspector is hereby authorised and appointed to issue game licences

and to receive the prescribed fees therefor: Provided that no such licence shall be issued to any person under the age of fifteen years: Provided also that no game licence shall be issued to any person who does not satisfy the chief inspector that he is *bona fide* engaged in the business of taking animals or birds for sale.

Cf. 6, 1875, s. 2, proviso.

Onus on defendant to prove he is licensed.
Cf. ibid., s. 5.

28. In any proceedings for an offence against section 23 or section 25 the onus shall be on the defendant to prove that he is the holder of a gun licence or a game licence, as the case may be, under this Act.

Licensee to produce his licence on prosecution.

29. In all proceedings against the holder of a gun licence or a game licence under this Act for an offence against any provision of section 14, 19, or 24, such holder shall produce his licence to the special magistrate or justices hearing the case.

Cancellation of licence on conviction.

30. The special magistrate or justices before whom the holder of a gun licence or a game licence under this Act is convicted of an offence against section 14, 19, or 24 may, in addition to imposing a penalty for the offence, cancel the licence by indorsing thereon a memorandum of such conviction; and in such case the licence shall be surrendered to the clerk of the court, who shall forward or deliver it to the chief inspector.

Gun and game licences to be carried and produced on demand.
Cf. 6, 1875, s. 6.
Cf. U.K., 23 & 24 Vict., c. 90, s. 10.
Cf. U.K., 33 & 34 Vict., c. 57, s. 9.

31. (1) Every holder of a gun licence or a game licence under this Act shall carry such licence with him at all times whilst engaged in the doing of anything for the lawful doing of which the authority of such licence is required, and shall produce such licence and also furnish his name and address to any person demanding the same at any such time.

(2) If any holder of a gun licence or a game licence under this Act fails to comply with any requirement of this section, he shall be guilty of an offence against this Act.

Governor may make regulations.
Amended by 1855, 1928, s. 4.

32. The Governor may make any regulations which may be necessary or convenient for carrying out or giving effect to the provisions or objects of this Act, including regulations prohibiting or restricting throughout either the whole or any portion of the State the taking for sale, or sale of, any specified animals or birds and regulations prescribing the payment ment of fees, and imposing penalties not exceeding ten pounds for any breach of the same or any other regulation.

Penalties.
Cf. 6, 1875, s. 21.
Amended by 2390, 1938, s. 15.

33. Every person who is guilty of an offence against this Act, shall, except where otherwise prescribed, be liable—

(*a*) for the first offence to a penalty of not less than one pound nor more than five pounds;

(*b*) for a second or subsequent offence to a penalty of not less than five pounds nor more than thirty pounds; and

(*c*) in the case of any offence against subdivision (*a*), (*b*), (*c*), (*d*), (*e*), (*k*), or (*l*) of section 14, to pay, in addition to the penalty imposed for the offence, the value of every animal or bird, carcass, or skin improperly taken, held, imported, or dealt with. Such value shall be deemed to be five pounds if the subject matter of the offence is a wholly protected animal or a prohibited animal or bird or the carcass or skin of a wholly protected animal or a wholly protected bird or the carcass of a wholly protected bird, and in all other cases shall be deemed to be two pounds.

Appropriation of penalties.
Amended by S.L.R. Act, 1934.

34. All moneys received for or on account of penalties imposed for offences against this Act shall be paid to the Treasurer for the public uses of the State, except moneys received in respect of an offence committed within the limits of a municipality or a district council district, when the complaint for such offence is laid by an officer of the municipality or district, which shall be paid over to and for the use of the corporation or district council.

Summary proceedings for offences.

35. All proceedings in respect of offences against this Act shall be disposed of summarily.

Ss. 36 and 37 repealed by S.L.R. Act, 1934.

* * * * * * * * * * *

Protection to officers.
Cf. 6, 1875, s. 25.

38. No action shall be brought against any inspector or other person for or on account of any matter or thing done or committed by him in the execution, or intended execution, of his duty or office under this Act, unless such action is commenced within six months after the cause of action arises.

39. All proclamations made before the passing of the Animals and Birds Protection Act Amendment Act, 1938, pursuant to the powers conferred by paragraph (*a*) of subsection (1) of section 8 (as enacted before the passing of the said Act) are hereby revoked.

Revocation of certain proclamations. Inserted by 2390, 1938, s. 16.

SCHEDULES.

THE FIRST SCHEDULE.

Sec. 2.

ACTS REPEALED.

Reference to Act.	Title or Short Title of Act.
No. 6 of 1875 . ..	An Act to regulate the use of Guns and Firearms in certain cases.
No. 508 of 1891 ..	An Act to Reduce the Fee Payable under the Act No. 6 of 1875, intituled an Act to Regulate the Use of Guns and Firearms in certain cases.
No. 745 of 1900 ..	The Birds Protection Act.
No. 828 of 1903 ..	The Birds Protection Act Amendment Act, 1903.
No. 1106 of 1912 .	The Animals Protection Act, 1912.

* * * * * * * * * * *

Second schedule repealed by 2390, 1938, s. 17.

THIRD SCHEDULE.

Sec. 6 (2).

Substituted by 2390, 1938, s. 18.

Part I.—Animals Partly Protected.

Kind of Animal.	Close Season.
Deer (fallow *Cervus dama*)	From 1st July to 31st December
Kangaroos (*Macropus*) all species except white kangaroos	(*a*) From 1st March to 31st July within that portion of Eyre Peninsula south of 33° parallel of latitude: (*b*) From 1st October to 31st March within all the State not comprised within that portion of Eyre Peninsula south of the 33° parallel of latitude
Wallaby (*Macropus*) all species except rock and toolach	From 1st October to 31st March

Wombats (*Phascolomys*) all species	From 1st July to 31st December

Part II.—Birds Partly Protected.

Kind of Bird.	Close Season.
Bald Coot (*Porphyrio spp.*)	1st July to 13th February
Ducks (all species)	1st July to 13th February
Emu (*Dromaius novae-hollandiae*)	1st September to 30th April
Greenshank (*Tringa nebularia*)	1st March to 30th September
Maned goose (*Chenonetta jubata*)	1st July to 13th February
Mutton bird (*Puffinus spp.*)	1st September to 31st March
Pelican (*Pelecanus conspicillatus*)	1st September to 31st March
Quail (all species)	1st August to 13th February
Silver gull (*Larus novae-hollandiae*), except those found within the portion of the Hundred of Menzies bounded as follows:— Commencing at a point on low-water mark being the intersection of a line being the production northerly of the western boundary of section 6; thence easterly, southerly, and south-westerly along said low-water mark to a point being the intersection of a line being the production south-easterly of the south-western boundaries of sections 164 and D; thence north-westerly along said line and boundaries; thence northerly along the western boundary of said section 164; north-easterly along the north-western boundaries of	1st September to 31st March

stone reserve No. 2 and section 165; northerly across road and along the western boundary of section 5; across road and along the western boundary of section 6 and its production to the point of commencement.

Snipe (*Gallinago spp.*) .. 1st March to 30th September
Teal (*Querquedula spp.*) 1st July to 13th February

Fourth Schedule.

Sec. 6 (3).

Part I.—Animals Unprotected.

Substituted by 2390, 1938, s. 19.

Domestic cats run wild (*Felis cattus*).
Foxes (*Canis vulpes*).
Hares (*Lepus europaeus*).
Rabbits (*Oryctolagus cuniculus*).
Rats and mice (*Mus spp.*)
Seals, fur and hair (*Arctocephalus spp.*) except those found within St. Vincent Gulf and Spencer's Gulf North of a line from Cape Catastrophe to Cape Borda, thence along the northern shore of Kangaroo Island to Cape Hart and from Cape Hart to the mouth of the River Murray.
Wild dogs (*Canis familiaris*).

Part II.—Birds Unprotected.

African love bird (*Agapornis spp.*).
Blackbird (*Turdus merula*).
Black tailed native hen (*Tribonyx ventralis*).
Blue mountain parrot (*Trichoglossus moluccanus*).
Canary (*Fringillidae spp.*).
Chestnut finch (Zebra).
Cockatoo, sulphur crested (*Kakatoe galerita*).
Corella (*Kakatoe tenuirostris K. Sanguinea*).
Cormorant (*Phalacrocorax spp.*).
Crow (*Corvus spp.*).
Eagle hawk (*Uroaetus audax*).
English chaffinch (*Fringillidae spp.*).
English house sparrow (*Passer domesticus*).
English starling (*Sturnus vulgaris*).
Galah (*Kakatoe roseicapilla*).
Goldfinch (*Carduelis carduelis*).
Goshawk (*Astur fasciatus*).

Greenfinch (*Chloris chloris*).
King parrot (*Glossopsitta concinna*).
Love bird (or Nyassa) (*Agapornis spp.*).
Mistletoe bird (*Dicaeum hirundinaceum*).
Musk lorikeet (king parrot).
Myna (*Acridotheres tristis*).
Native hen, black tailed (*Tribonyx ventralis*).
Nyassa parrot (love bird).
Red wattle bird (*Anthochoera carunculata*).
Rosella parrot (*Platycercus eximius and P. adelaidae*).
Shell parrot (*Melopsittacus undulatus*).
Silver eye (*Zosterops spp.*).
Silver gull (*Larus novae-hollandiae*) when found within the portion of the Hundred of Menzies bounded as follows:—Commencing at a point on low-water mark being the intersection of a line being the production northerly of the western boundary of section 6; thence easterly, southerly, and south-westerly along said low-water mark to a point being the intersection of a line being the production south-easterly of the south-western boundaries of sections 164 and D; thence north-westerly along said line and boundaries; thence northerly along the western boundary of said section 164; north-easterly along the north-western boundaries of stone reserve No. 2 and section 165; northerly across road and along the western boundary of section 5; across road and along the western boundary of section 6 and its production to the point of commencement.
Sulphur crested cockatoo (*Kakatoe galerita*).
Warbling grass parrot (Shell).
Zebra finch (*Taeniopygia castanotis*).

THE BUILDING SOCIETIES ACT, 1881-1938.

BEING

THE BUILDING SOCIETIES ACT, 1881, No. 211 OF 1881
[ASSENTED TO 18TH NOVEMBER, 1881.]

AS AMENDED BY

BUILDING SOCIETIES ACT AMENDMENT ACT, 1933, No. 2122 OF 1933
[ASSENTED TO 9TH NOVEMBER, 1933.]

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935 [ASSENTED TO 19TH DECEMBER, 1935.]

STATUTE LAW REVISION ACT, 1936, No. 2293 OF 1936 [ASSENTED TO 8TH OCTOBER, 1936.]

AND

BUILDING SOCIETIES ACT AMENDMENT ACT, 1938, No. 2411 OF 1938
[ASSENTED TO 8TH DECEMBER, 1938.]

An Act to amend the law relating to building societies.

Preamble.

WHEREAS it is expedient to amend the law relating to building societies in manner hereinafter provided—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:—

Commencement and short title.

1. This Act shall come into operation on a day to be fixed by the Governor, by proclamation, to be published in the *Government Gazette*, and may be cited for all purposes as "The Building Societies Act, 1881-1938."

Repeal.

2. Ordinance No. 12 of 1850, intituled "To Establish and Regulate Benefit Building Societies," is hereby repealed; but this repeal shall not affect any building society constituted under the said Act until such society shall have obtained a certificate of incorporation under this Act; and this repeal shall not affect the past operation of the said Act, or the

s. 1. The Building Societies Act, 1881, was proclaimed to commence on 16th December, 1881: *Gazette* 15th December, 1881, p. 1747.

force or operation, validity or invalidity of anything done or suffered, or any bond or security given, or any right, title, obligation, or liability accrued, or any proceedings taken thereunder, or under the rules of any society which has been constituted thereunder.

Interpretation of terms.
Cf. U.K., 37 & 38 Vict. c. 42, s. 13.

3. In this Act—

the term "building society" or "society" means any society having for its object, or one of its objects, the raising of a fund by the payment, subscriptions, or contributions of its members and the application of such fund in assisting its members to obtain freehold or leasehold property, or in the making of loans or advances to its members or others, upon the security of freehold or leasehold property or transfer of partly paid up shares with the periodical repayment of principal and interest by instalments:

the term "committee of management" means the managing body of any society under this Act, whether called a "board of directors," "committee," or otherwise:

the term "existing society" means any building society existing at the time of the passing of this Act, the rules of which have been allowed or confirmed by the Governor under Ordinance No. 12 of 1850:

U.K., 37 & 38 Vict., c. 42, s. 5 (part).

the term "terminating society" means a society which by its rules is to terminate at a fixed date, or when a certain event or result specified in its rules is arrived at:

U.K., 37 & 38 Vict., c. 42, s. 5 (part).

the term "permanent society" means a society which has not by its rules any fixed date or certain event or result when it shall terminate:

the term "secretary" means the secretary, manager, managing director, or other principal executive officer of a society, by whatever name he may be called:

the term "investing member" means any member of a society who holds shares which participate in the profits of the society, whether such shares have been borrowed or advanced on or not:

the term "investing shares" means any shares which participate in the profits of the society, whether such shares have been borrowed or advanced on or not:

the term "court" means the Supreme Court of South Australia: Amended by S.L.R. Act, 1935.

the term "registrar" means the person for the time being holding the office of Public Actuary in the public service of the State. Amended by S.L.R. Act, 1935.

4. (1) Any number of persons, not less than ten, may establish a society under this Act either terminating or permanent. Formation of societies. N.S.W. 1, 1924, s. 39. Substituted by 2411, 1938, s. 3.

(2) Before any society formed after the enactment of this section is registered there shall be held a meeting at which ten or more persons qualified to be members of the society are present.

(3) At the meeting there shall be presented—

(*a*) a written statement showing the objects of the society, and the reasons for believing that, when registered, it will be able to carry out its objects successfully:

(*b*) a copy of the rules which it is proposed to tender for registration.

(4) If, at the same or any subsequent or adjourned meeting, after consideration of the statement and rules, ten or more persons (qualified to be members) approve the rules with or without amendment and sign an application for membership, they shall proceed to elect the first committee of management of the society in accordance with the rules as so approved.

(5) Within two months after the election of the committee of management, an application shall be made to the registrar for the registration of the society, and shall be accompanied by—

(*a*) a statutory declaration from the chairman and secretary of the meeting declaring that the requirements of the preceding provisions of this section have been complied with:

(*b*) a copy of the written statement presented to the meeting:

(*c*) two copies of the proposed rules signed by not less than ten applicants for membership, each of whose signatures shall be attested by a witness:

(*d*) a list containing the full name and the occupation and address of each member of the committee of management:

(*e*) a list containing the full name and the occupation and address of each applicant for membership and the number of shares subscribed for by him:

(*f*) such other particulars as may be prescribed by regulation.

(6) The statutory declaration mentioned in subsection (5) of this section may be accepted by the registrar as sufficient evidence of compliance with the requirements of this section.

(7) If the registrar is satisfied that the society has complied with the provisions of this Act and the regulations, and that the proposed rules of the society are not contrary to this Act or to the regulations, the registrar shall register the society and its rules, and return one copy of the rules to the society with a certificate in the form of the second schedule to this Act, that the society is incorporated under this Act.

(8) The expenses of and incidental to the formation of any society may be paid either out of capital or income.

(9) No building society shall be formed or established except under this Act.

Prohibition of identity of names of societies.
U.K., 37 & 38 Vict., c. 42, s. 17 (part).

5. No society shall be registered under this Act by a name identical with that by which an existing society is already registered, or in the opinion of the registrar so nearly resembling the same as to be calculated to deceive, unless such existing society is in the course of being terminated or dissolved, and consents to such registration.

Registration of existing societies.
Cf. U.K., 37 & 38 Vict., c. 42, s. 11.

6. Any existing society shall be entitled to be registered under this Act, and when so registered its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded as hereinafter mentioned; but any of its rules which are contrary to any express provision of this Act shall, after such registration, cease to be of any force or validity save as to any transactions, matters, or things done prior to such registration.

Authority to register existing society.

7. No existing society shall be registered under this Act except by the authority of a general meeting of the society, convened and held in accordance with its rules for the time being, and specially called for the purpose, and the registrar may require a statutory declaration from the secretary, and such other evidence, if any, as he may think fit, that such authority was duly given.

Mode of registration of existing society. Cf. U.K. 37 & 38 Vict., c. 42, s. 10.

8. Any existing society entitled to be registered under this Act and desirous of being so registered shall transmit to the registrar two copies of its rules purporting to be duly allowed or confirmed under Ordinance No. 12 of 1850, authenticated by the statutory declaration of the secretary, and to which an impression of the common seal intended to be used shall be applied, and such other evidence, if any, as the registrar may require; and the registrar, if satisfied that such rules were duly allowed and confirmed under the said Act, and that the necessary authority for the registration of the society under this Act has been given, shall return one copy to the secretary with a certificate of registration, and shall retain and register such rules, and thereupon such society shall be deemed to be registered under this Act.

Incorporation. Cf. U.K., 37 & 38 Vict., c. 42, s. 9.

9. Upon the registration of any society under this Act the registrar shall forthwith notify in the *Government Gazette,* in the form or to the effect in the first schedule to this Act, that such society is registered, and thereupon the then present members of the society, together with such other persons as may from time to time become members of the society, shall be a body corporate by the name contained in its rules, capable forthwith of exercising all the functions of an incorporated society and having perpetual succession and a common seal. Such notice shall be conclusive evidence that all the requirements of this Act in respect of registration have been complied with.

Proof of incorporation. Cf. U.K., 37 & 38 Vict., c. 42, s. 20 (part). Amended by S.L.R. Act, 1935.

10. A certificate in the form or to the effect in the second schedule to this Act under the hand of the registrar for the time being (whose handwriting it shall not be necessary to prove, and who is hereby required to give such certificate to any person applying for the same on payment of one shilling) shall be conclusive evidence that the society named in such certificate is incorporated under this Act.

Common seal.

11. Upon the registration under this Act of any existing society, such society shall forthwith, by passing a new rule for the purpose, make provision for the custody and use of the common seal of the society, which shall in all cases bear the registered name thereof.

Property, etc., to vest on incorporation. Cf. U.K., 37 & 38 Vict., c. 42, s. 27. Amended by S.L.R. Act, 1935.

12. All rights of action, and other rights, and all estates and interest in real and personal estate whatsoever, belonging to, or held in trust for any existing society registered under this Act, shall, on the incorporation of the society under this Act, vest in the society, without any conveyance, transfer, or assignment whatsoever: Provided that in the

case of freehold land under the provisions of "The Real Property Act, 1886," or any Act amending the same, it shall be necessary for an application to be made to the Registrar-General, under the seal of the society, applying to be registered as proprietor of such land, whereupon the Registrar-General, on payment of the transfer fee, shall register the society accordingly.

Matters to be included in rules.
Cf. U.K., 37 & 38 Vict., c. 42, s. 16.
Cf. U.K., 57 & 58 Vict., c. 47, s. 1.

13. The rules of every society established under this Act shall set forth—

I. the name of the society, and chief office or place of meeting for the business of the society:

II. the manner in which the stock or funds of the society are to be raised; the terms upon which the paid-up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued, and if so, within what limits, if any; and whether the society intends to avail itself of the borrowing powers contained in this Act, and if so within what limits, not exceeding the limits prescribed by this Act:

III. the purposes to which the funds of the society are to be applied, and the manner in which they are to be invested:

IV. the terms upon which shares may be withdrawn, and upon which mortgages may be redeemed:

V. the manner of altering and rescinding the rules of the society and of making additional rules:

VI. the duties and powers of and manner of appointing, remunerating, and removing the committee of management, auditors, and other officers:

VII. the manner of calling general and special meetings of the members, the quorum necessary to constitute such meetings, and the mode of voting and number of votes to be given by each member at such meetings:

VIII. the mode of drawing and signing cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the society:

IX. the species of security to be given by any paid officer of the society having the receipt or charge of any money belonging to the society:

x. provision for an annual or more frequent audit of the accounts, and inspection by the auditors of the mortgages and other securities belonging to the society:

xi. whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to arbitration or how otherwise:

xii. provision for the device, custody, and use of the seal of the society, which shall in all cases bear the registered name thereof:

xiii. provision for the custody of the mortgage deeds and other securities belonging to the society:

xiv. provision for the payment of all funds belonging to the society to the credit of the society at some incorporated or chartered bank in South Australia:

xv. the fines and forfeitures to be imposed on members of the society:

xvi. the manner in which the society, whether terminating or permanent, shall be terminated or dissolved.

Withdrawal of shares from building society. N.S.W. 1, 1924, s. 55. Inserted by 2411, 1938, s. 4.

13a. No rules of a building society providing for the withdrawal of shares by members shall be registered after the enactment of this section unless they prescribe the withdrawal value of the shares and the society satisfies the registrar by the certificate of an actuary or such other evidence (if any) as the registrar requires that the withdrawal values so prescribed are equitable.

Model rules. S. Af. 1922, No. 28, s. 8. Inserted by 2411, 1938, s. 4.

13b. (1) The Governor may by regulation prescribe model rules for any kind of society.

(2) A society which is to be registered under this Act, or which is registered thereunder, may adopt as its rules all or any of the model rules applicable to such society.

(3) No alteration of any model rules shall apply to any society which is established before the alteration is published in the *Gazette,* unless the society by rule adopts the alteration.

Committee of management. N.S.W. 1, 1924, s. 84. Inserted by 2411, 1938, s. 4.

13c. (1) The members of the committee of management shall be elected at a general meeting of the society in accordance with the rules: Provided that the first members of the committee of management shall be elected at the meeting for the formation of the society.

(2) The number of members of the committee of management shall be not less than three, and no person shall be qualified to be a member of the committee of management unless he is a member of the society.

(3) Every member of the committee of management acting in the business or operations of the society in pursuance of a resolution duly passed by the committee shall be deemed to be the agent of the society for all purposes within the objects of the society.

(4) The acts of a member of the committee of management shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

(5) Subsections (1) and (2) of this section shall apply only to societies formed after the enactment of this section; subsections (3) and (4) shall apply to all societies whether formed before or after the enactment of this section.

Society may receive bonus.

14. Any society, if so provided for by its rules, may receive from any member any sum of money by way of bonus on any share or shares for the privilege of receiving the amount of the same in advance prior to the same being realised, and also any interest for the share or shares the amount of which may be so received, or any part thereof.

Forms of conveyance, etc., may be prescribed.
U.K., 37 & 38 Vict., c. 42, s. 19.

15. Any society under this Act may, in a schedule to its rules, prescribe the forms of conveyance, mortgage, transfer, agreement, bond, security, for deposit or loan, or other instrument necessary for carrying its purposes into execution.

Existing society may alter rules.
Cf. U.K., 37 & 38 Vict., c. 42, s. 18 (part).

16. Any existing society registered under this Act may alter or rescind any of its rules, or make any additional rule in manner prescribed by its rules, or if no manner be so prescribed, then by the vote of two-thirds of the members present at a general meeting of the society, convened and held in accordance with its rules for the time being, and specially called for the purpose by notice of seven days at the least, specifying the proposed alteration, rescission, or addition.

Alteration of rules to be registered.
Cf. U.K., 37 & 38 Vict., c. 42, s. 18 (part).

17. Every society under this Act altering or rescinding any rule, or making an additional rule, shall forward to the registrar two copies of every resolution for rescission of a rule, and of every alteration of or addition to its rules, signed by three members and the secretary and if the registrar is satisfied that such alteration, addition, or rescission is in conformity with this Act, he shall register one of such copies,

and return the other to the secretary with a certificate of registration, and no such rescission, alteration, or addition shall be of any force or validity until so registered.

Copy rules, etc., to be supplied. Cf. U.K. 37 & 38 Vict., c. 42, s. 17 (part).

18. Every society under this Act shall supply to any person requiring the same a complete printed copy of its rules for the time being in force, with a printed copy of its certificate of incorporation appended thereto, and shall be entitled to charge therefor a sum not exceeding one shilling.

Rules binding on members. Cf. U.K. 37 & 38 Vict., c. 42, s. 21.

19. The rules of a society under this Act shall be binding on the several members and officers of the society, and on all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof, and shall not have power to question or impugn the legality or validity thereof.

Change of name. Cf. U.K., 37 & 38 Vict., c. 42, s. 22.

20. A society under this Act may change its name by resolution of three-fourths of the members present at a meeting called for the purpose, provided that the new name is not identical with that of any society previously registered and still subsisting, or in the opinion of the registrar so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in the course of being terminated or dissolved, and consents to such registration.

Notice of the change of name shall be sent to the registrar, and registered by him, and he shall give a certificate of registration within seven days from the receipt of such notice.

Such change of name shall not affect any right or obligation of the society, or of any member thereof, or other person concerned.

Married women and minors. Cf. U.K., 37 & 38 Vict., c. 42, s. 38.

21. Married women and minors may become investing members in any society under this Act, and their receipts, notwithstanding coverture or infancy, shall be sufficient discharges to the society for all moneys paid to any such married woman or minor, and the share or interest of any such married woman, to the extent of not more than six shillings weekly, may, if she shall so direct at the time of becoming such member, be held for her sole and separate use, independent of the debts or control of any husband.

Joint holders and corporations. Cf. U.K., 37 & 38 Vict., c. 42, s. 39.

22. Two or more persons jointly, or any corporation or incorporated company, may hold shares in any society under this Act.

Liability of members.
Cf. U.K., 37 & 38 Vict., c. 42, s. 14.

23. The liability of any member of a society under this Act in respect of any share upon which no advance has been made, shall be limited to the amount actually paid, or in arrear on such share, and profits declared or accumulated thereon, and in respect of any share upon which an advance has been made, shall be limited to the amount payable thereon under any mortgage or other security, or under the rules of the society.

Employment of funds.
Cf. U.K., 37 & 38 Vict., c. 42, s. 13 (part).

24. Any society under this Act may employ its funds for such of the following purposes as are provided for in its rules:—

To make advances to members of the society upon security of their shares:

To make advances to members and other persons, and to corporate bodies, upon the security of freehold or leasehold estate by way of mortgage:

And the society may accept the security of other property by way of collateral security:

Provided that any land to which any society may become absolutely entitled by forfeiture or by surrender or other extinguishment of the rights of redemption shall, as soon afterwards as may be conveniently advantageous, be sold or converted into money.

Officers borrowing from the society.
N.S.W. 1, 1924, s. 88.
Inserted by 2411, 1938, s. 5.

24a. A member of the committee of management of a society or an officer of a society shall not borrow from that society, and the society shall not lend to a member of its committee of management or to any of its officers, and if any loan is made in contravention of this subsection, the members of the committee of management who authorised the loan shall be jointly and severally liable for any loss which the society sustains by reason of the loan.

This section shall not apply to—

(*a*) any loan made on the security of shares held by the borrower if such loan does not exceed the amount paid up on such shares; or

(*b*) any loan made pursuant to a resolution carried at a general meeting of the society:

(*c*) any loan to which a person has become entitled under the rules of a society by reason of his having been successful in a ballot for loans, duly conducted by the society in accordance with those rules.

Issue of shares.
Cf. U.K., 37 & 38 Vict., c. 42, s. 13 (part).

25. Any society under this Act may from time to time, when and as provided in its rules raise funds by the issue of shares of one or more denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating interest, and may repay such funds at such time as is provided in the rules of the society.

Business premises.
U.K., 37 & 38 Vict., c. 42, s. 37.

26. Any society under this Act may purchase, build, hire, or take upon lease any building for conducting its business, and may adapt and furnish the same, and may purchase or hold upon lease any land for the purpose only of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof.

Registered office of society.
N.S.W. 1, 1924, s. 72.
Inserted by 2411, 1938, s. 6.

26a. (1) Every society shall have a registered office in the State.

(2) Every society shall keep its registered office open and accessible to the public for not less than three hours between the hours of eight o'clock in the morning and six o'clock in the evening each day for at least two days a week.

(3) All communications and notices to the society may be addressed to the society at its registered office.

(4) Every society shall give notice to the registrar of the situation of its registered office and of the days and hours during which it is accessible to the public.

The notice shall be given—

(*a*) in the case of a society existing at the time of the enactment of this section, within one month after the enactment of this section; and

(*b*) in the case of any society formed after the time of the enactment of this section within one month after the registration of the society.

(5) Every society shall before making any change in the situation of its registered office, or in the days and hours when such office is open to the public, give notice of such change to the registrar.

(6) Every society shall keep at its office throughout office hours—

(*a*) a copy of this Act and the regulations;

(*b*) a copy of the rules of the society;

(*c*) a copy of the last balance-sheet and the last profit and loss account of the society, together with the report of the auditor thereon;

(*d*) a register of the names and addresses of the members of the committee of management, and the list of members kept pursuant to section 35b of this Act; and

(*e*) a register showing the amounts of the loans raised by the society, and the dates thereof, and the securities given and bonds issued by the society,

and shall permit any member or creditor of the society to inspect any such document without fee.

(7) If any society fails to comply with this section in any particular it shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Deposits and loans.
Cf. U.K., 37 & 38 Vict., c. 42, s. 15.

27. Any society under this Act may obtain bank overdrafts or receive deposits or loans, at interest, from the members or other persons, or from corporate bodies, joint stock companies, or from any other building or friendly society, to be applied to the purposes of the society, provided that the total amount received on deposit or loan and not repaid by any society, in the case of a permanent society, shall not at any time exceed two-thirds of the amount for the time being secured to the society by mortgages from its members, or in the case of a terminating society shall not exceed twelve months' income on the shares for the time being in force.

Any deposits with or loans to an existing society made before its registration under this Act in accordance with its certified rules, are hereby declared to be valid and binding on the society although such deposits or loans may exceed the limit aforesaid, but all such deposits and loans shall be taken into account in determining the amount which any such society may legally receive on deposit or loan after being registered under this Act; and no further deposits or loans shall be received by any society except within the limits provided by this section.

Any member or other person, corporate body, joint stock company, or other building or friendly society depositing or lending money with or to any society under this Act shall not be bound to see to the application thereof, or that the society has not exceeded its borrowing limit.

Government guarantee to banks. N.S.W. 57, 1934, s. 3. Inserted by 2411, 1938, s. 7.

27a. (1) The Treasurer may on the recommendation of the registrar and with the approval of the Governor, execute a guarantee in favour of any bank, or of any friendly society registered under the Friendly Societies Act, 1919-1937, or of any other body of persons, corporate or unincorporate, approved by the Treasurer, for the repayment of any advance made or to be made by the bank, friendly society, or body approved as aforesaid (as the case may be) to any society.

(2) Before executing any such guarantee the Treasurer may require the society to comply with any conditions which the Treasurer thinks necessary for the purpose of securing the efficient management and working of the society and preventing loss.

(3) The guarantee may include the interest (whether compound or otherwise) and expenses chargeable by the bank, friendly society, or body approved as aforesaid (as the case may be), against the society in the usual course of its business and the expenses of enforcing or obtaining or endeavouring to obtain payment of the debt guaranteed and such interest and expenses.

(4) Any sums which may become due and payable by the Treasurer under any guarantee given by him pursuant to this section may be paid out of the general revenue of the State without any appropriation other than this Act.

Treasurer may undertake to indemnify building societies against loss in certain circumstances. N.S.W. 1, 1924, s. 17a. Inserted by 2411, 1938, s. 7.

27b. Where a building society proposes to lend money to a member who is not already the owner of a dwelling-house, and—

(*a*) such money is to be lent for the purpose of enabling the member to purchase land upon which a dwelling-house is already erected or to purchase land and erect a dwelling-house thereon, or to erect a dwelling-house on land already owned by him; and

(*b*) the dwelling-house is to be occupied by the member to whom the money is to be lent; and

(*c*) the amount proposed to be lent does not exceed five hundred and fifty pounds; and

(*d*) the amount proposed to be lent reduced by the paid up value of the member's share capital exceeds eighty per centum but does not exceed ninety per centum of the value of the land and the dwelling-house erected or to be erected thereon, as ascertained in such manner as the registrar directs; and

(*e*) the payments to be made to the society by the member in repayment of the principal and interest of the loan are at a rate not exceeding three shillings a week for each hundred pounds of the loan; and

(*f*) a life insurance policy has been taken out on the life of the member insuring the payment in the event of his death during the currency of the loan of—

I. an amount not less than fifty per centum of the principal outstanding in respect of the loan at the time of the death; or

II. two hundred pounds,

and the policy is by assignment or otherwise made security for repayment to the society of any amounts of principal or interest outstanding in respect of the loan at the time of the death of the member,

the Treasurer may, with the approval of the Governor, by agreement undertake to indemnify the society against so much of any loss sustained by the society in respect of the loan as is directly attributable to the fact that the amount so lent reduced by the paid up value of the member's share capital is in excess of eighty per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (*d*) of this section.

Acknowledgments for loans or deposits to bear copies of ss. 23, 27, and 28.
U.K., 37 & 38 Vict., c. 42, s. 15 (5).

28. Every deposit-book, or acknowledgment, or security of any kind, given for a deposit or loan by a society shall have printed or written thereon the whole of the twenty-third, twenty-seventh, and twenty-eighth sections of this Act.

Purchaser, etc., not bound to see to application of purchase money.

29. No member of any society under this Act, nor any purchaser of any land from any such society, shall be obliged to inquire into the application of the consideration money mentioned in any conveyance or reconveyance, receipt, or statutory release, or be answerable or accountable for the misapplication, non-application, or loss thereof.

Investments of funds.
Cf. U.K., 37 & 38 Vict., c. 42, s. 25.
Amended by 2122, 1933, s. 4.

30. Any society under this Act may, from time to time, unless its rules otherwise direct, invest any portion of its funds not immediately required for its purpose in the public funds, or in or upon any Government debentures, stock, or securities or in or upon any debentures, stock, or securities, payment of the interest on which is guaranteed by authority

of Parliament; and notwithstanding the provisions of any Act relating to the Savings Bank of South Australia any society may deposit in that bank any of its funds without restriction as to amount.

Paid officers to give security. Cf. U.K., 37 & 38 Vict., c. 42, s. 23.

31. Every paid officer of a society under this Act, having the receipt or charge of any money belonging to the society, shall give such security as the rules of the society direct, in such sum as the committee of management require, for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society, at such times as its rules appoint or the committee of management may require.

Paid officers to account and deliver up books, etc., on demand. Cf. U.K., 37 & 38 Vict., c. 42, s. 24.

32. Every paid officer of a society under this Act, his executors or administrators, shall, upon demand made or notice in writing given or left at his last or usual place of residence, give in to the committee of management an account of all moneys received by him from or on account of the society to be examined or allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remaining in his or their hands, and deliver all securities and effects, books, papers, and property of the society in his or their hands or custody to such person as the committee of management shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers, and property in manner aforesaid, the society may sue upon the security given by such officer, or may apply to the court by motion either upon notice or *ex parte* as the court may think fit, and the court may proceed thereupon in a summary way and make such order thereon, and as to the cost of such application as to the court in its discretion shall seem just, which order shall be final and conclusive.

Society to have first claim on assets of officer dying, becoming insolvent, etc. Cf. U.K., 37 & 38 Vict., c. 42, s. 26.

33. If any person appointed to any office and intrusted with the keeping of accounts, or having in his hands or possession, by virtue of his said office or appointment, any moneys or effects belonging to such society, or any deeds or securities relating to the same, shall die or become insolvent, or have any attachment or execution, or other process issued, or action or proceedings commenced against his lands, goods, chattels, or effects, or property or estate, or make any assignment, disposition, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assigns, or other persons having legal

right, or the Sheriff or other officer executing such process, or the party using such action or proceedings, shall, within twenty-one days after demand in writing, by order of such society, or committee thereof, or the major part of them, assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such society to such person as such society or committee shall appoint, and shall pay out of the estates, assets, or effects of such person all sums of money remaining due which the said person received by virtue of his said office or appointment before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recoverable under the same, is paid over to the party issuing such process or using such proceedings, and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment and discharge thereof accordingly.

Contracts.

34. Contracts on behalf of any society under this Act may be made, varied, or discharged as follows, viz:—

Any contract which, if made between private persons, would be by law required to be in writing under seal, may be made, varied, or discharged, in the name and on behalf of the society in writing under the common seal of the society:

Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of society in writing, signed by any person acting under the express or implied authority of the society:

Any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, may be made, varied, or discharged, by parol, in the name and on behalf of the society by any person acting under the express or implied authority of the society.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the society and all other parties thereto, their heirs, executors, and administrators, as the case may be.

Annual account.
U.K., 37 & 38 Vict., c. 42, s. 40.
Cf. U.K., 57 & 58 Vict., c. 47, s. 2.

35. The secretary of every society under this Act shall, once in every year at least prepare a general statement of its funds and effects, liabilities and assets, showing the amounts due to the holders of the various classes of shares

respectively, to depositors and creditors, and also the balance due or outstanding on its mortgage and other securities (not including prospective interest), and the amount invested in other securities, and also an account or statement of receipts and expenditure from the last preceding similar statement, together with a statement of profit and loss, and every such account and statement shall be attested by the auditors to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary and published in the *Government Gazette* and in one newspaper circulating in the locality in which the chief office of the society is situate, and every member, depositor, and creditor shall be entitled, on application therefor to the secretary, to receive from the society a copy of such account and statement, and a copy thereof shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, and another copy thereof shall be suspended in a conspicuous place in the chief office of the society, and be kept so suspended until the suspension in like manner of the next succeeding similar account; and every such account or statement shall be in the forms prescribed by the fourth schedule hereto, or to the like effect.

35a. (1) Every auditor of the accounts of a society shall be appointed by the members of the society at a general meeting.

Provisions as to auditors. Cf. U.K., 57 & 58 Vict., c. 47, s. 3. Inserted by 2122, 1933, s. 5.

(2) At least one of the auditors of every society shall be a person holding one of the following qualifications, namely:—

(*a*) the diploma in commerce of the University of Adelaide; or

(*b*) membership, fellowship, or associateship of the Institute of Chartered Accountants in Australia, the Institute of Chartered Accountants in England and Wales, the Society of Incorporated Accountants and Auditors, the Commonwealth Institute of Accountants, the Federal Institute of Accountants, or the Australian Institute of Secretaries; or

(*c*) some other qualification prescribed by regulation under this Act.

(3) Any rule of any society which is inconsistent with this section shall be void to the extent of the inconsistency, and the rules of every society shall be construed as if they contained provisions to the effect of subsections (1) and (2) of this section.

(4) This section shall apply to every society forthwith upon the expiration of its financial year current at the time of the commencement of the Building Societies Act, 1933, but not earlier.

List of members. Inserted by 2122, 1933, s. 5.

35b. (1) Every society shall keep at its head office and at every branch office a list showing—

(*a*) the name and address of every member;

(*b*) if the members are allotted distinguishing numbers, the number assigned to every member; and

(*c*) if the right to vote at meetings of the society is based on any principle other than that of one vote for each member, the number of votes to which each member is entitled.

The society shall permit any member to inspect the said list at any reasonable time during which the office of the society is open.

(2) If default is made in compliance with this section the secretary and every director of the society shall be guilty of an offence, and liable to a penalty not exceeding ten pounds.

Provision as to notice of general meetings. Inserted by 2122, 1933, s. 5.

35c. (1) No general meeting of any society called for the purpose of passing any statements of account or balance-sheet, or for the consideration of any amendments of the constitution or rules of the society, shall be deemed to be duly called or held, unless—

(*a*) at least seven days before the day of such meeting an advertisement specifying the time and place for holding such meeting, and the purpose thereof, has been inserted at least twice in a daily newspaper circulating throughout the State; and

(*b*) notice of the said meeting specifying the said particulars has been posted up in a conspicuous place in the head office and every branch office of the society.

(2) This section shall apply notwithstanding anything in the rules of any society and notwithstanding any agreement between the society and its members, and the rules of every society shall be construed as if they contained provisions to the effect of subsection (1) of this section.

Inspection of books and affairs of the society.
Cf. U.K., 57 & 58 Vict., c. 47, ss. 4, 5.
Substituted by 2122, 1933, s. 6.

36. (1) At least one per cent. of the total number of members of any society or five members, whichever is the greater number, may apply in writing to the registrar for an investigation into all or any of the accounts, transactions, and affairs of the society. The application shall state fully the reasons why the investigation is desired.

Amended by S.L.R. Act, 1935.

If the registrar is of opinion that the application discloses good reasons for holding an investigation he shall by notice served on the secretary of the society and on the applicants, or not less than two of them, fix a date not earlier than fourteen days from the service, on which he will hear any relevant evidence, information, or arguments submitted by the representatives of the applicants and of the society. He shall also forward a copy of the application to the secretary of the society.

On the day so fixed no more than two representatives of the society and of the applicants may attend before the registrar and place before him any relevant evidence, information, or arguments.

If, after hearing the representatives, he considers that an investigation is necessary and that the applicants are not actuated by malicious motives he may by order appoint some competent auditor, accountant, or actuary to make investigation into all or any of the matters stated in the application. Before an order is made the applicants shall give security to an amount not exceeding fifty pounds for payment of the costs of the investigation.

If the registrar suspects that any fraud or crime has been committed in connection with the affairs of a society he may on his own initiative or on any application made in accordance with the previous provisions of this section appoint an inspector without giving notice to or hearing any person and may dispense with or reduce the amount of security for costs.

Any person appointed by the registrar to conduct an investigation is in this section referred to as "an inspector."

(2) Any inspector appointed under this section may for the purpose of his investigation inspect or require the production of all or any of the books, accounts, securities, or

documents of the society, and may examine on oath or affirmation any officer, member, agent, or servant of the society, and may administer an oath or affirmation accordingly.

(3) If any person—

(*a*) upon being required by an inspector to produce any books, documents, or securities in his possession or under his control and relevant to the matters under investigation fails to produce them accordingly; or

(*b*) prevents any inspector from inspecting any such books, documents, or securities; or

(*c*) obstructs any inspector in his inspection of such books, documents, or securities; or

(*d*) being required by any inspector to take an oath or affirmation refuses to do so; or

(*e*) fails to answer any question put to him by an inspector relevant to the matters under investigation or knowingly gives a false answer to any such question,

he shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and in the case of an offence under paragraph (*e*) of this subsection to a fine not exceeding one hundred pounds or imprisonment for any period not exceeding six months.

(4) On the conclusion of the investigation, the inspector shall report his opinion to the registrar, and the registrar shall forward a copy of the report to the society and to all or any of the applicants requesting the same.

(5) If from the report it appears to the registrar that any person has been guilty of any offence, he shall also send a copy of the report to the Attorney-General.

(6) The registrar may make such order as he thinks just against the society, or any director, member or officer thereof, or against any applicant, as to payment of the whole or any part of the costs of and incidental to the appointment of the inspector, and the making of the investigation.

(7) Any such order or a copy thereof certified by the registrar as correct may be filed in the local court nearest to the head office of the society, and when it has been so filed the order may be enforced in all respects as if it were a judgment of that local court.

(8) Any person aggrieved by an order of the registrar under the last preceding subsection may appeal to the Supreme Court against the order and the court may on such appeal affirm, quash, or vary such order or substitute any other order therefor. The jurisdiction conferred upon the Supreme Court by this section may be exercised on summons by a judge sitting in chambers.

Inspection by registrar. N.S.W. 1, 1924, s. 17. Inserted by 2411, 1938, s. 8.

36a. (1) The registrar or any public servant, accountant, or actuary authorised in writing by the registrar may inspect and take copies of any books, accounts or records of any society.

(2) If—

(*a*) any person who has in his possession or under his control any books, accounts, or records of any society fails to produce them for inspection and copying when required by the registrar or any person authorised by him in writing under this section; or

(*b*) any person hinders or obstructs the registrar or any such authorised person in making any inspection or taking any copies under this section,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) The registrar may require the manager of any bank or branch of a bank in which the funds of a society are deposited or invested to furnish him with a statement of the amount of such deposit or investment and any other particulars required by him to be furnished.

Any person who upon receipt of a demand under this subsection fails to comply therewith shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Disputes. Cf. U.K., 37 & 38 Vict., c. 42, s. 34.

37. (1) Every dispute between any member of any society under this Act, or any person claiming through or under such member and the society or any officer thereof, shall be decided in the manner directed by its rules, and the decision so made shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court.

Subsecs. (2), (3), (4), inserted by 2122, 1933, s. 7.

(2) If any party to any dispute does not obey any order or award made for the purpose of deciding such dispute the Supreme Court upon being satisfied that such order or award was made and has not been obeyed, may make any order which it thinks just for enforcing compliance with such order or award. The jurisdiction conferred upon the Supreme Court by this section may be exercised on summons by a judge sitting in chambers.

(3) Nothing in this Act nor in the rules of any society shall prevent any society or any member thereof or any person claiming through or under it or him from obtaining in the ordinary courts of law any remedy in respect of any mortgage or other contract and to which he or the society would otherwise be by law entitled.

Cf. U.K., 47 & 48 Vict., c. 41, s. 2.

(4) In this Act, and in the rules of any society made under this Act, the word "disputes" means disputes between the society and a member or any representative of a member, in his capacity of a member of the society, and does not include any dispute between any society and any member thereof or other person whatever as to the construction or effect of any mortgage, deed, or any contract contained in any document other than the rules of the society.

Termination or dissolution of society.

Cf. U.K., 37 & 38 Vict., c. 42, s. 32.

38. (1) A society under this Act may terminate or be dissolved—

I. upon the happening of any event declared by its rules to be the termination of the society:

II. by dissolution in manner prescribed by its rules:

III. in cases where no manner is prescribed by its rules, by dissolution with the consent of three-fourths of the investing members, holding not less than two-thirds in value of the investing shares in the society then current, testified by their signatures to the instrument of dissolution. The instrument of dissolution shall set forth—

(*a*) the liabilities and assets of the society in detail:

(*b*) the number of members and the amount standing to their credit in the books of the society:

(*c*) the claims of depositors and other creditors, and provision to be made for their payment:

(*d*) the intended appropriation or division of the funds and property of the society:

(*e*) the names of one or more persons to be appointed trustees for the special purpose of winding up the society, and their remuneration:

Alterations in the instrument of dissolution may be made with the like consent testified in the same manner.

The instrument of dissolution, and all alterations therein, shall, when signed by the required number of members, be transmitted to the registrar with a statutory declaration by the secretary verifying the signatures thereto, and that it is signed by the required number of members, and shall thereupon be registered by the registrar, and shall be binding upon all the members of the society:

iv. by winding-up by the court, if the court shall so order on the petition of any member, authorised by three-fourths of the investing members, holding not less than two-thirds in value of the investing shares in the society then current, present at a general meeting of the society specially called for the purpose, to present the same on behalf of the society, or on the petition of any judgment creditor for not less than one hundred pounds, but not otherwise:

v. by winding-up by the court on the petition of the registrar on the happening of any of the events specified in subsection (2) of this section: Inserted by 2411, 1938, s. 9 (a).

General rules or orders for regulating the proceedings of the court in relation to the winding-up of societies under this Act may be from time to time made by any three judges of the court. In the absence of any such rules or orders the rules or orders for the time being regulating the winding-up of companies under the Companies Act, 1934, shall apply so far as applicable: Amended by S.I.R. Act, 1936.

Notice of the commencement and termination of every dissolution or winding-up shall be sent to the registrar, and registered by him.

N.S.W. 1, 1924, s. 92. Inserted by 2411, 1938, s. 9 (b).

(2) The registrar may, if he is satisfied that the facts justify him in doing so, apply by petition for the winding-up of a society in any of the following cases:—

(*a*) If the number of members of the society is reduced to less than ten:

(*b*) If the society has not commenced business within a year of registration, or has suspended business for more than six months:

(*c*) If the period, if any, fixed for the duration of the society by its rules has expired:

(*d*) If an event has occurred upon the occurrence of which the rules of the society provide that the society is to be wound up:

(*e*) If the registration of the society has been obtained by fraud or mistake:

(*f*) If the society exists for an illegal purpose:

(*g*) If the society has unlawfully and after notice from the registrar, violated this Act, or the rules of the society.

Too few members. Inserted by 2411, 1938, s. 10.

38a. If a society continues to carry on business for one month after the number of its members is reduced below ten, every person who is a member of the committee of management of the society at any time while it so continues to carry on business, and is aware that it is so carrying on with less than ten members, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five pounds for every day during which the offence continues.

Societies may unite or transfer engagements. Cf. U.K., 37 & 38 Vict., c. 42, s. 33. Cf. U.K., 40 & 41 Vict., c. 63, s. 5.

39. Two or more societies under this Act may unite and become one society with or without a dissolution or division of the funds of such societies or either of them, or a society under this Act may transfer its engagements to any other society under this Act, upon such terms as shall be agreed upon by three-fourths of the investing members (holding not less than two-thirds in value of the investing shares then current) of each of such societies present at general meetings respectively convened for the purpose; but no such union or transfer shall prejudice any right of any creditor of either society. Notice of every such union or transfer shall be sent to the registrar, and registered by him.

Receipt to operate as reconveyance.
Cf. U.K., 37 & 38 Vict., c. 42, s. 42.

40. When all moneys intended to be secured by any mortgage or further charge given to a society under this Act have been fully paid or discharged, the society may endorse upon or annex to such mortgage or further charge a receipt under the seal of the society, in the form specified in the third schedule to this Act, and such receipt shall vacate the mortgage or further charge and debt, and also all further charges relating to the same land dated subsequently to the mortgage or further charge on or to which such receipt shall be endorsed or annexed and prior to the date of the receipt, and vest the estate of and in the property therein comprised in the person for the time being entited to the equity of redemption, without any reconveyance or re-assignment whatever, and so that the person for the time being entitled to the equity of redemption in cases where he was the original mortgagor of the property shall hold the property to the same uses and upon the same trusts so far as they have not been varied or altered as he held the property before mortgaging, and in cases where the person for the time being entitled to the equity of redemption is not the original mortgagor of the property, shall hold the property to the same uses and upon the same trusts as he held the equitable estate.

Death of member.
N.S.W. 1, 1924, s. 58.
Inserted by 2411, 1938, s. 11.

40a. (1) On the death of a member the society shall, except as otherwise provided in subsection (2) of this section or in the rules of the society, transfer his share or interest to one of the following persons:—

(*a*) to the nominee of the member nominated by a written nomination deposited with the secretary of the society; or

(*b*) if there is no such nominee, then to the executor or administrator of the member; or

(*c*) to such person as the nominee, or if there is no such nominee, then as the executor or administrator may specify in an application made to the society within three months after the death of the member.

(2) If there is no such nominee, executor, administrator, or other person willing to have the share or interest transferred to him, the board may purchase such share or interest and pay the amount of the purchase-money to the nominee, or if there is no such nominee, then to the executor or administrator:

Provided that the board shall not be bound to make such payment until all moneys due from the deceased member or his esate have been repaid to the society.

(3) The share or interest shall for the purposes of this section include any credit balance due to the member, and the value of the share or interest shall be ascertained in accordance with the rules.

(4) The nominee nominated by the member shall not be an officer or employee of the society unless the officer or employee is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the member.

(5) The nomination shall not be valid or effectual if at the date of the nomination the member is under the age of sixteen years, or if at the death of the member the value of his share or interest exceeds two hundred pounds.

(6) The nomination may be revoked or varied by a written notice deposited with the secretary of the society, but shall not be revocable or variable by will or codicil.

(7) The nomination shall be revoked by the marriage of the member, unless expressed to be made in contemplation of marriage and in favour of the intended wife: Provided that where the society makes any transfer or payment to a nominee in ignorance of a marriage contracted by the member after the date of the nomination, the receipt of the nominee shall be a valid discharge to the society, and the society shall be under no liability to any other person claiming the share or interest.

(8) Any transfer or payment made by the society in accordance with this section shall be valid and effectual against any demand made upon the society by any other person.

Administration may be dispensed with in certain cases.

Cf. U.K., 37 & 38 Vict., c. 42, s. 29.

41. If any member of, or depositor with, a society under this Act, having in the funds thereof a sum of money not exceeding one hundred pounds, die intestate, or if any person entitled to the equity of redemption of any property mortgaged to any society under this Act die intestate, and upon the sale of the mortgaged premises any money not exceeding one hundred pounds remains in the hands of the society after paying the amount due to the society, and the costs and expenses of sale, then, and in either of such cases, such money may be paid to any person who shall appear to the society to be entitled to obtain letters of administration of the estate of such deceased member, depositor, or person, as aforesaid, without his taking out letters of administation, upon such person giving such security, and upon such evidence as the committee of management shall consider satisfactory of such

death and intestacy, and that the person so claiming is entitled as aforesaid; and whenever the society has paid any sum of money not exceeding one hundred pounds, under the provisions aforesaid, the receipt of the person to whom the same has been paid shall be a valid and effectual discharge to the society for the money so paid, but nevertheless the person who has received the same shall be liable to account to the next of kin, or personal representative of such deceased member, depositor, or person, as aforesaid, for the amount so received.

Nothing in this section shall affect the rights of a nominee under any nomination made by a member and in force at the material time.

Inserted by 2411, 1938, s. 12.

41a. (1) On any application for registration of a society or of any rule or document under this Act, the registrar may require any applicant to furnish him with any information reasonably required for the purpose of showing that the application should be granted.

Information and evidence. Cf. N.S.W. 1, 1924, s. 116. Inserted by 2411, 1938, s. 13.

(2) The registrar may at any time require from any society any information reasonably required for the purpose of showing that the society is *bona fide* carrying on business and is complying or has complied with the requirements of this Act.

(3) The registrar may require any such information to be verified by a statutory declaration.

41b. (1) If (except as provided for in the rules of the society) any officer of a society accepts any commission, fee, or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction of such person with the society, he shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for any term not exceeding six months or to a penalty not exceeding one hundred pounds.

Commission. N.S.W. 1, 1924, s. 110. Inserted by 2411, 1938, s. 13.

(2) Every officer who is guilty of an offence under subsection (1) of this section shall further be liable to make good to the society double the value or amount of such commission, fee, or reward.

41c. Every year the Governor shall cause an investigation to be made into the operations and administration of those societies whose loans have been guaranteed under section 27a of this Act, or to which the Treasurer has given

Annual investigation. Inserted by 2411, 1938, s. 13.

indemnities under section 27b of this Act, and shall cause the report on such investigation to be laid before both Houses of Parliament.

Annual report. Inserted by 2411, 1938, s. 13.

41d. The registrar shall within three months after the close of each financial year present to the Minister a report on the working of this Act during that financial year and the report shall, as soon as practicable after the receipt thereof, be laid before both Houses of Parliament.

Penalties for breach of this Act. Cf. U.K. 37 & 38 Vict., c. 42, s. 43.

42. If any building society, or any persons representing themselves to be a society under this Act, commences business without first obtaining a certificate of incorporation under this Act, or if any society under this Act makes default in forwarding to the registrar any returns or information by this Act required, or makes a return wilfully false in any respect, the committee of management, secretary, and every other officer of such society, or pretended society, shall be liable for every day business is carried on, or for every such default or false return, upon summary conviction before a special magistrate or two justices, at the complaint of the registrar, to a penalty not exceeding five pounds. If any society under this Act receives loans or deposits in excess of the limits prescribed by this Act, every member of the committee of management of such society shall be personally liable for the amount so received in excess.

Offences. Cf. U.K., 37 & 38 Vict., c. 42, s. 31.

43. If any person whosoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of a society under this Act, or having the same in his possession, withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society, and authorised by this Act, he shall be liable on summary conviction to a penalty not exceeding twenty pounds, with costs not exceeding twenty shillings, and to be ordered to deliver up to the society, or to any person named in the order, all such moneys, securities, books, papers, or other effects of the society, or to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being prosecuted under any law now or hereafter to be in force, if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

44. The provisions of the Auctioneers Act, 1934, shall not be applicable to any chairman, or any presiding member of any society who shall offer for sale, or sell, any share of such society to or amongst the members thereof, at a meeting being held according to the rules of such society. Auctioneers Act not to apply. Amended by S.L.R. Act, 1935.

45. Any person may inspect the documents kept by the registrar relating to societies under this Act, and may obtain a copy or extract of any such document, or any part thereof, on payment of such fee as the Governor in Council may direct. Inspection, etc., of documents.

46. The Governor may from time to time make regulations respecting the fees (if any) to be paid for the registration and inspection of documents under this Act, and generally for carrying this Act into effect. Regulations. U.K., 37 & 38 Vict., c. 42, s. 44.

THE SCHEDULES.

FIRST SCHEDULE.

"The Building Societies Act, 1881."

Notice is hereby given, that a Building Society called "The Building Society," is duly registered under the provisions of the above Act.

Dated this day of .

Registrar of Building Societies.

SECOND SCHEDULE.

This is to certify that [*name of society*] was on the day of 18 , duly incorporated under the provisions of "The Building Societies Act, 1881."

Given under my hand at , in the State of South Australia, this day of .

Registrar of Building Societies.

THIRD SCHEDULE.

[*Name of society*] hereby acknowledges to have received the sum of in full satisfaction and discharge of all moneys owing on the security of the land comprised by the within indenture.

Dated this day of .

As witness the seal of the said society.

FOURTH SCHEDULE.

A General Statement of Receipts and Expenditure of the *Building Society for the [year, half-year, or quarter] ending* .

Dr.	£ s. d.	£ s. d.	Cr.	£ s. d.	£ s. d.
To Balance from previous statement (if any)			By Balance from previous statement (if any)		
Subscriptions—Payments on shares			Advances upon shares and freehold or leasehold security		
" Redemption of shares			" " other security (distinguishing nature of same)		
Loans—General deposits received			Matured or worked out shares—Subscriptions		
" Repayment of mortgages (not shareholders') ..			" " " Profit		
" " of other securities			Withdrawn shares—Subscription		
Entrance fees			" " Profit		
Rents and recoveries			Loans—General deposits		
Fines			" Interest—Loans and deposits		
Transfer fees			Current expenses, viz.—Distinguishing the items of Directors' fees, Survey or inspection fees, Office rent, Auditors' fees, Salaries and commissions, Solicitors' fees, Office expenses and stationery, etc., etc. ..		
Interest on loans, etc.			Other payments—Bank balances, Cash in hand, etc., distinguishing the same		
Bonus or premiums on shares					
Balance due bank (if any)					
Cheques outstanding (if any)					
Receipts from other sources (distinguishing nature of same)					
		£			£

We, the undersigned, being auditors of the Building Society, do hereby certify that we have examined the books and vouchers of this society, and compared the same with the above statement of receipts and expenditure, and that the same is correct.

Secretary. } Auditors.

A General Statement of the Assets and Liabilities of the *Building Society on the* *day of* .

Dr.	£ s. d.	Cr.	£ s. d.
To amount received on subscription shares		By Amount due upon £ advanced upon shares and freehold and leasehold security to shareholders (interest to date only included)	
Profit to credit of " "		Amount due on mortgages (not shareholders')	
Loans—General deposits and interest		Amount invested in Government stocks or securities, or securities guaranteed by Government	
" Bank overdraft (if any)		Office buildings, freehold or leasehold	
Reserve account (if any)		Balance in bank (if any)	
Cheques outstanding (if any)		Cash in hand	
Other liabilities (distinguishing nature of same)		Other assets or securities (distinguishing nature of same)	
	£		£

We, the undersigned, being auditors of the Building Society, do hereby certify that we have examined the securities held by the said society, and compared the same with the books and vouchers of the said society, and that the above statement of assets and liabilities is correct.

Secretary. } Auditors.

Profit and Loss Account for [year, half-year, or quarter] ending

Dr.	£ s. d.	£ s. d.	Cr.	£ s. d.	£ s. d.
To Current expenses, as above			By Rent, fines, premiums, interest, etc., as above		
Interest paid as above			(Here state any other sources of profit such as subscriptions, or profit forfeited on withdrawals, redemptions, etc., and distinguishing nature of same.)		
" accrued on loans (if any)					
Losses on sales of property (if any)					
All other losses (if any), distinguishing nature of same					
Balance net profit (the allotment of such profit may follow here)					
		£			£

The directors have to inform the shareholders that the profits will allow of a division of per share of six months old, and the carrying forward of £ to the credit of profit and loss.

Profit on Shares for Half-year.

	£ s. d.
Shares 6½ years old	
" 6 "	
" 5½ "	
" 5 "	
" 4½ "	
" 4 "	
" 3½ "	
" 3 "	
" 2½ "	
" 2 "	
" 1½ "	
" 1 "	
" 6 months	
" not entitled	
	£

Total Profits.

	£ s. d.	£ s. d.
Shares at		
"		
"		
"		
"		
"		
"		
"		
"		
"		
"		
not entitled		
		£

Chairman.

Secretary.

FISHERIES ACT, 1917-1938.

BEING

FISHERIES ACT, 1917, No. 1293 OF 1917 [ASSENTED TO 15TH NOVEMBER, 1917.]

AS AMENDED BY

FISHERIES ACT AMENDMENT ACT, 1922, No. 1530 OF 1922 [ASSENTED TO 21ST DECEMBER, 1922.]

FISHERIES ACT AMENDMENT ACT, 1930, No. 1984 OF 1930 [ASSENTED TO 20TH NOVEMBER, 1930.]

STATUTE LAW REVISION ACT, 1934, No. 2168 OF 1934 [ASSENTED TO 15TH NOVEMBER, 1934.]

CRIMINAL LAW CONSOLIDATION ACT, 1935, No. 2252 OF 1935 [ASSENTED TO 21ST DECEMBER, 1935.]

FISHERIES ACT AMENDMENT ACT, 1938, No. 2391 OF 1938 [ASSENTED TO 22ND SEPTEMBER, 1938.]

AND

FISHERIES ACT AMENDMENT ACT (No. 2), 1938, No. 2419 OF 1938 [ASSENTED TO 15TH DECEMBER, 1938.]

An Act to consolidate and amend certain Acts for the preservation and protection of fish, and certain Acts to promote the breeding of oysters and to regulate oyster fisheries.

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

PART I.

PART I.

PRELIMINARY.

Short title.
Cf. U.K. 31 & 32 Vict. c. 45.
Cf. U.K. 23 & 24 Geo. 5 c. 45.

1. This Act may be cited as the "Fisheries Act, 1917-1938."

Criminal Law Consolidation Act, 1935: This Act was proclaimed to commence on 2nd January, 1936: *Gazette* 2nd January, 1936, p. 1.

Arrangement of Act.

2. The provisions of this Act are arranged as follows:—

PART I.—Preliminary.

PART II.—Administration—

DIVISION I.—Powers of the Governor:

DIVISION II.—Powers of the Minister:

DIVISION III.—Inspectors and their Duties.

PART III.—Fisheries and Oyster Fisheries—

DIVISION I.—General Licences to take Fish and Oysters:

DIVISION II.—Registration of Boats:

DIVISION III.—Natural Oyster Beds:

DIVISION IV.—Artificial Oyster Beds:

DIVISION V.—Miscellaneous Provisions with respect to Oyster Fishing.

PART IV.—Miscellaneous.

PART V.—Offences and Penalties.

PART VI.—Regulations.

PART VII.—Evidence and Legal Procedure.

Repeal.

3. The Acts specified in the schedule hereto are repealed.

Interpretation of terms.

Cf. 864, 1904, s. 3.
Cf. U.K. 51 & 52 Vict. c. 54, s. 14.
Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 92.

4. In this Act, unless some other meaning is clearly intended—

"boat" includes every vessel, barge, or punt of any description:

"close season" means the period of time during which waters are closed against the use of any device, or the taking of fish or oysters, or any species of fish or oysters:

Inserted by 1530, 1922, s. 3.

"closed waters" means any waters reserved for a hatchery, or any waters declared by proclamation to be waters within which it shall not be lawful to take fish or oysters:

"Crown lands" means Crown lands as defined in any Act or Acts for the time being in force relating to Crown lands, and includes any foreshore, as well as any land under the sea within the territorial limits of the State, or under any tidal or inland water, or under any river, lake, lagoon, or other water in the State, the property in which land is vested in the Crown:

"device" means any implement, gear, contrivance, or engine used to take any fish or oysters:

Substituted by 2391, 1938, s. 2 (a).

"fish" means—

(*a*) every species of fish:

(*b*) shellfish (other than oysters) and other molluscs:

Cf. U.K. 31 & 32 Vict. c. 45, s. 5.

(*c*) crayfish, crabs, prawns, shrimps, and other crustaceans:

Cf. U.K. 23 & 24 Geo. 5 c. 45, s. 9.

(*d*) mammals:

(*e*) the spat, spawn, fry and young of anything hereinbefore defined as fish:

Inserted by 2391, 1938, s. 2 (b).

"hand crab-net" means a hoop or ring not exceeding three feet six inches in diameter to which netting is attached in the form of a cone and which is hauled by means of a line:

"hand-line" means any line intended or used for catching fish, to which not more than three fishing hooks are attached:

"hatchery" means any water used for the spawning, propagation, or culture of fish or oysters:

"hauling" includes casting, shooting, fixing, setting, placing, or staking:

"inspector" means inspector of fisheries, and includes Chief Inspector of Fisheries and any inspector of fisheries *ex officio*:

"licence" means licence issued pursuant to this Act:

Amended by 2391, 1938, s. 2 (c).

"oysters" means oysters and all brood, spat, and spawn of oysters:

"oyster culture" means the cultivation of oysters, and the taking of oysters for sale:

"prescribed" means prescribed by this Act:

Inserted by 1984, 1930, s. 2.

"River Murray" includes any affluent, effluent, anabranch, or extension of the River Murray, and any river, creek, stream, watercourse, spring, lake, lagoon, swamp, or marsh connected with the River Murray:

"rod and line" means a single rod and line to which not more than three fishing hooks are attached:

"stocked waters" means any waters which have been artificially stocked with fish:

"take," with its derivatives, includes fish for, catch, kill, destroy, dredge for, raise, tong, collect, gather, obtain by any means, or carry away:

The verb to sell includes—

I. to sell, barter, or exchange;

II. to agree to sell, barter, or exchange;

III. to offer, expose, store, have in possession, send, consign, or deliver for or on sale;

IV. to receive for sale;

V. to cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged;

VI. to cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale;

VII. to cause or suffer to be received for sale; and

VIII. to attempt to do any of such acts or things;

and the word "sale" shall be construed accordingly.

The verb to buy includes to buy, to receive or accept under an agreement to sell, and to offer to receive or accept or cause or suffer to be received or accepted under an agreement to sell.

"this Act" includes any proclamations and regulations made under the provisions of this Act:

"to fish" and "fishing" include any mode of taking oysters:

"use" includes assist in the use of:

"waters" includes the sea, and all bays, gulfs, and inlets of the sea, and every lake and lagoon, river, creek, and stream, and any waters on or over private land:

"weight" includes length and size.

PART II.

PART II.

ADMINISTRATION.

DIVISION I.—POWERS OF THE GOVERNOR.

DIVISION I.

Governor may appoint officers.

864, 1904, s. 4 (part).

5. The Governor may, subject to the provisions and for the purposes of this Act, appoint a Chief Inspector of Fisheries and such other inspectors and officers as may be necessary.

General powers of the Governor.

Cf. ibid., s. 4 (part).
Cf. U.K. 40 & 41 Vict. c. 42, ss. 4, 5, 8, 9, 10.
Cf. U.K. 51 & 52 Vict. c. 54, s. 2.
Cf. U.K. 4 Geo. 5 c. 3.

6. (1) The Governor may, by proclamation—

I. declare any waters to be reserved for a hatchery:

II. declare areas or waters within which any specified devices are not to be used, or within which it shall not be lawful to take fish or oysters:

III. declare close seasons for the protection of fish or oysters, or any species of fish or oysters:

PART II. DIVISION I.

Cf. U.K. 13 & 14 Geo. 5 c. 16, ss. 6, 7, Parts III., VI.

Cf. U.K. 23 & 24 Geo. 5 c. 45, s. 3 (1). Amended by 1530, 1922, s. 4, and 1984, 1930, s. 3.

Para. IVA. inserted by 1984, 1930, s. 3 (a).

IV. declare any specified device, or any specified device which is used in any other than the prescribed manner, or any specified device when used in prescribed areas or waters, to be illegal and liable to forfeiture:

IVA. declare any specified kind of net when used in any specified waters at a greater depth than six feet to be an illegal device:

V. prescribe what shall be the lawful length and depth of any device and the size of mesh which may be lawfully used for the whole or any part of any device, and also the lengths of hauling lines which may be attached thereto, and the number of devices that may be attached to each other:

VI. prescribe the minimum weight at which any prescribed species of fish or oysters may be taken or had in possession or sold, and from time to time vary any such weights, or add to the list of the species of fish or oysters already prescribed any additional species of fish or oysters, and the minimum weight at which such additional species may be taken or had in possession or sold:

Inserted by 2391, 1938, s. 3.

VIA. prescribe species of fish which may not be taken pursuant to section 47 unless of or over the prescribed weight and prescribe areas in which such fish may during any one day be taken up to the number fixed in the proclamation:

VII. exempt any jetty, pier, or wharf from all or any of the provisions of this Act.

(2) Every proclamation made under this section shall have effect according to the tenor thereof.

Inserted by 1530, 1922, s. 4 (c).

(3) The Governor may by proclamation revoke any proclamation made under this section.

DIVISION II.

DIVISION II.—POWERS OF THE MINISTER.

Special powers of the Minister.

Cf. 864, 1904, s. 5.

7. (1) The Minister may—

Para. (a) repealed by 2391, 1938, s. 10 (b).

* * * * * * * * * * *

(*b*) direct the manner in which any forfeited boat or device, or fish or oysters, may be disposed of:

(*c*) empower any inspector to enter any place at all times to search for and take any forfeited boat or device, or fish or oysters, and to search for and seize any device which, in his opinion, is used, or intended to be used, contrary to the provisions of this Act:

(*d*) issue permits for taking fish or oysters from closed waters for scientific purposes, or for stocking other waters: Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 5.

(*e*) direct the carrying out of experiments in methods of culture, propagation, and catching of fish or oysters, and take steps for the discovery of spawning places, trawling grounds, and oyster beds, and grant permits for any of such purposes:

(*f*) cancel any licence or permit under this Act:

(*f*1) upon the application of any person holding any licence or certificate under this Act revoke the licence or certificate and refund to that person such portion of the licence or certificate fee as the Minister thinks fit but not exceeding such proportion of the fee as the unexpired portion of the term of the licence or certificate bears to the full term of the licence or certificate: Inserted by 2391, 1938, s. 4 (1).

(*g*) establish any hatchery on or over any waters: Provided that if such waters are on or over any private land, a hatchery may be established only with the consent of the owner or lessee of such land, on such terms and conditions as may be agreed:

The establishment of a hatchery by the Minister shall have the effect of vesting in the Minister the exclusive right during the continuance thereof to stock such hatchery with fish or oysters, and to take therefrom any fish or oysters, and to sell or otherwise dispose of fish or oysters from such hatchery:

(*h*) do all things which he is by this Act empowered or required to do, or which may be necessary or convenient for carrying into effect the objects of this Act.

(2) The Minister may, upon the recommendation of the chief inspector, direct that a licence to take fish or oysters be issued without fee to any person who the Minister is satisfied is over the age of sixty years and is a fisherman of long standing. Any such licence may thereupon be issued without fee. Inserted by 2391, 1938, s. 4 (2).

DIVISION III.

DIVISION III.—INSPECTORS AND THEIR DUTIES.

Ex officio inspectors.
864, 1904, s. 6.

8. All members of the police force shall be *ex officio* inspectors.

General powers of inspectors.
Cf. ibid., s. 8.
Cf. U.K. 31 & 32 Vict. c. 45 s. 9.
Cf. U.K. 51 & 52 Vict. c. 54 s. 6 (2).
Cf. U.K. 13 & 14 Geo. 5 c. 16, Part VIII.
Cf. U.K. 23 & 24 Geo. 5 c. 45, s. 3 (4).

9. An inspector may at any time—

(*a*) destroy any fish or oysters which are unfit for human consumption:

(*b*) enter upon any waters, and pass through or along the banks or borders of the same, and examine all tributaries, sluices, and watercourses communicating therewith:

(*c*) board any fishing-boat or oyster fishing-boat:

(*d*) examine any device:

(*e*) demand the production of any licence or permit:

(*f*) seize any device which, in his opinion, is used, or intended to be used, contrary to the provisions of this Act:

(*g*) seize any fish or oysters which he has reasonable grounds for suspecting to have been illegally taken:

(*h*) seize any boat containing any illegal device, or any boat which is being used for the purpose of taking fish or oysters contrary to this Act: and

(*i*) do all other acts and things which he is by this Act required or authorised to do.

Powers of inspectors to to enter and search and seize.
Cf. 864, 1904, s. 7.
Cf. U.K. 40 & 41 Vict. c. 42, s. 12.
Cf. U.K. 51 & 52 Vict. c. 54 s. 7.
Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 69.
Amended by 2391, 1938, s. 5.

10. Every inspector, in addition and without prejudice to any other power vested in him, may go on board any boat, or enter any fish market or other place where fish or oysters are, or are reasonably suspected by him to be, sold, or packed or prepared for sending to any market or shop or to any agent, fish salesman, or auctioneer, or to any person or place for sale, and therein search for and examine any device, or fish or oysters, and may seize and take away any fish or oysters which are under the prescribed size, or any parcel, box, or bag of fish or oysters in which such undersized fish or oysters, or any fish or oysters, diseased or unwholesome, are found, and may examine and make copies of any records, books, or documents relating to any fish or oysters: Provided that the chief inspector may, in his discretion, order the restoration to the owner thereof of any or all of the fish or oysters and things so seized.

PART II. DIVISION III.

Power to requisition fishing boat.

Inserted by 2391, 1938, s. 6.

10a. (1) Any inspector may require any person in charge of any boat registered under section 16 to permit the inspector to use the boat for the purpose of enforcing the provisions of this Act.

(2) Any person who refuses to permit an inspector to use any such boat shall be guilty of an offence against this Act.

(3) The Minister shall pay such amount as is reasonable for the use of the boat by the inspector. The said amount shall not exceed five pounds per day during the time the boat is used plus an amount equal to any damage caused to the boat during the time it is used. The said amount shall be paid to the person who by reason of the use of the boat by the inspector is deprived of the use of the boat.

Inspectors to apprehend certain offenders.

977, 1909, s. 5 (part).

11. Inspectors are hereby required to apprehend any person offending against any of the provisions of this Act who, on being thereunto required by an inspector, refuses to give his name or address, or gives a false name or a false address.

Person interested in oyster fishing, etc., not to act as inspector.

366, 1885, s. 30.

12. No person shall, without the consent of the Minister, be competent to be, or to continue, an inspector under this Act who has, or after his appointment shall have, any interest, direct or indirect, in the sale of fish or oysters, or in any fishery or oyster fishery, or in any boat used in fishing or oyster fishing, or who acts as agent for any person so interested.

PART III.

PART III.

FISHERIES AND OYSTER FISHERIES.

DIVISION I.—GENERAL LICENCES TO TAKE FISH AND OYSTERS.

DIVISION I.

Fishermen's licences.

Cf. ibid., s. 10.

Cf. 864, 1904, s. 12.

Subsec. (1) amended by 2391, 1938, s. 7 (a).

13. (1) Licences to take fish and oysters shall be issued in the prescribed form to applicants who make application therefor in the prescribed form and pay the prescribed fee.

(2) Such licences shall be either half-yearly or yearly licences, and may be issued at any time: Provided that every half-yearly licence shall expire on the last day of June or the last day of December (whichever is the earlier day), and every yearly licence shall expire on the last day of December, next after the same is issued.

PART III. DIVISION I.

Inserted by 2391, 1938, s. 7 (b).

(2a) If application is made by any person who is the holder of a current licence issued under this section, a licence under this section may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall, for the purpose of subsection (2), be deemed to be issued upon the date of the expiry of the current licence.

Inserted by 1984, 1930, s. 4.

(3) No licence shall be issued under this section except to a natural born British subject or a naturalized British subject: Provided that, with the consent of the Minister, a licence may be issued to an unnaturalized person who has not qualified for naturalization by the length of his residence in Australia or to an unnaturalized person who has made application for a certificate of naturalization.

Licence sufficient for licensee and one member of family.

864, 1904, s. 15.

Amended by 2391, 1938, s. 8.

14. (1) One such licence as referred to in section 13 shall be sufficient for the person named therein as licensee, and also for his wife or for one member of his family under the age of twenty-one years whilst his wife or such member is working with the same plant as such licensee.

(2) For the purposes of this section the following persons and no others shall be deemed to be members of the licensee's family, namely, his sons, daughters, stepsons, and stepdaughters.

Employee's licences.

Inserted by 2391, 1938, s. 9.

14a. (1) If the chief inspector is satisfied that any person who is licensed under section 14 employs another person to take fish or oysters he may, upon application in the prescribed form and upon payment of the prescribed fee, issue to the first mentioned person in the prescribed form an employee's licence to take fish and oysters.

(2) Every employee's licence shall be a yearly licence which shall, subject to subsection (3), expire on the last day of December next after the same is issued.

(3) If any person who is the holder of current licences under section 14 and this section makes application pursuant to subsection (2a) of section 13 for the issue of a licence under section 14 and also makes application for the issue of an employee's licence, an employee's licence may be issued to that person at any time within fourteen days before the expiry of the current licence. In such case the licence so issued shall commence from the expiry of the current licence and shall expire on the last day of December next after the expiry of the current licence.

(4) Subject as hereinafter provided, every employee's licence shall be deemed a sufficient licence to take fish and oysters for any one person employed as aforesaid by the person to whom the licence is issued. A licence issued under this section shall apply only to any person employed as aforesaid who is a natural born British subject or a naturalized British subject: Provided that, with the consent of the Minister, an employee's licence may apply to an unnaturalized person who has not qualified for naturalization by the length of his residence in Australia or to an unnaturalized person who has made application for a certificate of naturalization.

Issue of licences.

Substituted by 2391, 1938, s. 10 (a).

15. Every licence under section 13 or section 14a shall be issued by the chief inspector or by some person authorized by him in writing to issue such licences.

Power of Minister to grant exclusive licences.

Inserted by 1530, 1922, s. 5, as amended by S.L.R. Act, 1934, and amended by 2391, 1938, s. 11.

15a. (1) The Minister may grant a licence or certificate to any person, giving such person, his executors, administrators, and assigns, during the whole period of the licence or certificate the sole and exclusive right by himself or themselves, or his or their servants, agents, or licensees, to take such kinds of fish as are specified in the licence or certificate within such area of the sea or of bays, gulfs, or inlets of the sea within the territorial limits of the State or within such area of any river in the State as is specified in the licence or certificate.

(2) No licence or certificate granted pursuant to this section shall abrogate or in any way affect the right of any person other than the holder thereof to take fish of the kind specified in such licence or certificate within the area specified in such licence or certificate for any purpose other than for the purpose of sale or for use in connection with any business.

(3) Such licence or certificate shall be for such period, and upon such terms, conditions, and restrictions, and subject to such payments, as the Minister thinks fit.

(4) The area in respect of which any licence or certificate may be granted pursuant to this section shall not extend for a distance of more than ten miles along any shore or coast.

(5) The Minister may, by notice published in the *Government Gazette* revoke any such licence or certificate, which shall thereupon cease and determine, and the holder thereof shall not be entitled to any compensation for such revocation.

(6) The Minister may grant any licence or certificate under this section without any consent being obtained under section 76 of the Harbors Act, 1936.

s. 15a. (6) The expression "section 67 of the Harbors Act, 1913," altered to "section 76 of the Harbors Act, 1936," pursuant to the Amendments Incorporation Act, 1937.

PART III. DIVISION I.

Duties of licensees.

Inserted by 1530, 1922, s. 6, as amended by S.L.R. Act, 1934, and amended by 2391, 1938, s. 12.

15b. The holder of a licence or certificate granted pursuant to section 15a of this Act shall set up on some convenient part of the adjacent shore, not being private property, distinguishing marks or buoys or other floating marks, to be approved by an inspector, for indicating the limits of the area with respect to which the licence or certificate is issued.

DIVISION II.

DIVISION II.—REGISTRATION OF BOATS.

Registration and marking of boats.

Cf. 804, 1904, s. 16. 1128, 1913, s. 7.

16. (1) No person shall take any fish or oysters for sale in any boat, or use any boat in the taking of fish or oysters for sale, or otherwise for any purpose of the trade or calling of a fisherman, or manage or take part in the management of a boat when the same is so used, unless such boat is—

I. registered as herein provided; and

II. marked as prescribed by regulation.

(2) Any person desiring to obtain the registration of a boat for the purposes of this section, and to have a mark allotted to him for such purposes, shall make application therefor to the chief inspector in the prescribed form, whereupon the chief inspector shall issue to the applicant a certificate of registration in the prescribed form, and shall allot to him a distinguishing number or mark, which shall be painted or otherwise marked on such boat in the prescribed manner and position.

(3) Registration of a boat may be effected at any time, but shall expire upon the person to whom the certificate of registration is issued ceasing to take fish or oysters as aforesaid in such boat, or to use such boat in the taking of fish or oysters as aforesaid, or to manage or take part in the management of such boat when the same is so used.

Inserted by 2391, 1938, s. 13.

(4) If the ownership of any registered boat is transferred, the transferee shall within one month of the transfer, give notice in writing to the chief inspector of the transfer.

DIVISION III.

DIVISION III.—NATURAL OYSTER BEDS.

Discoverer of oyster bed may apply for exclusive licence.

366, 1885, s. 14.

17. Any person who discovers on or near the coast of South Australia a natural oyster-bed may apply to the Minister for the issue to him of an exclusive licence for the use of such oyster-bed, or any part thereof, and the Minister may, without any such consent as is required by section 76 of the Harbors Act, 1936, issue to the applicant an exclusive

S. 17. The expression "section 67 of the Harbors Act, 1913," altered to "section 76 of the Harbors Act, 1936," pursuant to the Amendments Incorporation Act, 1937.

licence to use such oyster-bed, or any specified part thereof, for such period, upon payment of such fees, and upon such terms, conditions, and restrictions, as the Minister thinks fit.

Licensee to have exclusive right to fish for oysters. 366, 1885, s. 20. Cf. U.K. 31 & 32 Vict. c. 45, s. 51.

18. The licensee, his executors, administrators, and assigns shall, subject to the provisions of this Act, during the whole of the period in the said licence mentioned have the sole and exclusive right by himself or themselves, or his or their servants, agents, or licensees, to fish for oysters in the oyster-bed or part for which the licence is issued.

Licence may be forfeited for unhusbandlike management. 366, 1885, s. 21.

19. If at any time during the currency of such licence it is proved to the satisfaction of the Minister that the holder of such licence, or any person by his direction or permission, is managing or using the oyster-bed or part with respect to which the licence is issued in such a manner that the same is likely to be exhausted or greatly reduced in value, the Minister may, by notice published in the *Government Gazette,* revoke such licence, which shall thereupon cease and determine, and the licensee shall not be entitled to any compensation for such revocation.

Boundaries of oyster-beds to be indicated by marks on shore or afloat. Ibid., s. 27.

20. The holder of an exclusive licence for the use of any natural oyster-bed, or any part thereof, shall set up on some convenient part of the adjacent shore, not being private property distinguishing posts or buoys or other floating marks, to be approved by an inspector, for indicating the limits of such oyster-bed or part.

Penalty for depositing injurious matter on beds. Ibid., s. 31. Cf. U.K. 31 & 32 Vict. c. 45, s. 53.

21. Every person who knowingly deposits on any natural oyster-bed any ballast, sand, mud, refuse, or injurious matter of any kind whatsoever, shall be liable to a penalty not exceeding twenty pounds, in addition to such reasonable compensation for the damage done, not exceeding one hundred pounds, as the special magistrate or justices adjudicating may determine.

Minister may close natural oyster-beds. 366, 1885, s. 28.

22. (1) The Minister may from time to time, by one month's notice published in the *Government Gazette,* fix a term, not exceeding four years, during which any natural oyster-bed, not being on private land nor the subject of an exclusive licence, shall be closed, and upon the expiration of such notice the same shall be closed accordingly during the term fixed by such notice.

(2) Every person fishing for oysters on any such closed oyster-bed shall be liable to a penalty not exceeding twenty pounds, or to imprisonment for any period not exceeding three months.

DIVISION IV.—ARTIFICIAL OYSTER BEDS.

Minister may lease Crown lands for oyster culture. 1128, 1913, s. 9.

23. (1) The Minister may, on the recommendation of the chief inspector, lease any Crown lands for oyster culture for any term not exceeding fifteen years, at such rental, and subject to such conditions and restrictions, as the chief inspector recommends.

(2) On the application of the lessee made at least three months before the date of expiry of the lease, the Minister may, on the like recommendation, renew the term for a like or a shorter period at the same rental, and with such limitations in other respects as the chief inspector recommends.

Lease for oyster culture. Ibid., s. 10.

24. The Minister may, on the recommendation of the chief inspector, offer, by auction or tender, for any term not exceeding fifteen years, the lease of any Crown lands for oyster culture, at such rental, and subject to such conditions and restrictions, as the chief inspector recommends; and, on the application of the lessee made at least three months before the date of expiry of the lease, the Minister may, on the like recommendation, renew the term for a like period, but at such rent, and subject to such limitations in other respects, as the chief inspector recommends.

Lessee deemed to be in possession on payment of first year's rent. Ibid., s. 11.

25. The lessee, or the purchaser of the lease, of any Crown lands under this Act shall, upon payment of the rent therefor for the first year, be deemed to be in actual and absolute possession of the area comprised therein for all purposes of this Act, notwithstanding that the lease may not have been issued; and such lessee or purchaser or any inspector may seize any oysters removed therefrom without lawful authority; and any person found unlawfully taking oysters in or from such lands shall be liable to a penalty not exceeding fifty pounds; and all oysters found at the time in possession of such person shall be deemed to have been unlawfully taken by him, and may be forthwith seized and returned to such area.

Property and rights conferred by lease. Ibid., s. 12. Cf. U.K. 31 & 32 Vict. c. 45, s. 51.

26. Every lease issued under this Act shall vest in the lessee, his executors, administrators, and permitted assigns, all oysters within the area leased and the exclusive right during the currency of the lease, or any renewal thereof, of laying and planting oysters on, and of dredging and taking oysters from, the area leased, but subject always to the provisions of this Act and to the right of any inspector or authorised officer to enter upon such area.

27. Occupation under any such lease shall not give any right to the lessee to occupy or to use any portion of any Crown lands abutting on but not included in his lease, except for such purposes and during such times as are prescribed.

Abutting land not included in lease. 1128, 1913, s. 13.

28. Any leased area may be described in the lease by reference to posts, stakes, buoys, marks, connections, or natural features showing the boundaries of such leased area in a manner sufficient to allow of their identification; and the boundaries of any leased area shall be marked by the lessee in manner aforesaid.

Leased area, how described. Ibid., s. 14.

29. The Minister may, on the recommendation of the chief inspector, accept a surrender of any such lease, after the second year of its currency, in any case where it appears, to the satisfaction of the chief inspector, that oyster culture cannot be carried on upon the leased area with any reasonable hope of success, or where, for any other reason, the chief inspector recommends such surrender.

Surrender of lease. Ibid., s. 15.

30. Every leased area shall be subject to all such conditions, provisions, and limitations as are prescribed or as are approved by the Minister, and shall also be subject to the rights of the Crown to carry out all public works upon the area or its immediate vicinity without compensation.

Conditions of leases. Ibid., s. 16.

31. The Minister may, on the recommendation of the chief inspector, resume wholly or in any part any area a lease whereof has been granted under this Act, but subject to the payment by the Crown to the lessee thereof of compensation for the loss of such area or part; which compensation shall, in case of dispute, be determined in manner provided by subsection (2) of section 53 of the Crown Lands Act, 1929, with reference to leases granted after the twenty-third day of December, eighteen hundred and ninety-three: Provided that the Crown shall not be liable to pay compensation for the resumption of any lease that has been issued with a provision relieving the Crown or the Government of the said State from liability for any damage or injury that might be done to the area leased or to the oysters thereon by the carrying out of public works.

Resumption of leases. Ibid., s. 17.

32. Any lessee who is at any time in arrear with the rent of any one or more leased areas shall not be entitled to take oysters from any such area, or to obtain a lease of a further area, until all such rent due has been paid; and any lease

Lessees in arrear in rent not to take oysters or be granted further leases. Ibid., s. 18.

s. 31. The expression "subsection (2) of section 56 of the Crown Lands Act, 1915," altered to "subsection (2) of section 53 of the Crown Lands Act, 1929," pursuant to the Amendments Incorporation Act, 1937.

shall be liable to forfeiture if the rent is not paid within the time prescribed.

Cancellation of lease in certain cases.
1128, 1913, s. 19.

33. (1) If it appears to the chief inspector that any lessee has not, within a period of one year from the date of his lease, taken proper measures to carry out the conditions of his lease and to cultivate the area leased, he may recommend the Minister to cancel his lease.

(2) The Minister shall have power to cancel the same accordingly by notification in the *Government Gazette,* and upon the publication of such notification all rights and privileges granted by such lease, and the unexpired term thereof, shall cease and determine.

(3) Before making any such recommendation the chief inspector shall cause a notice in writing stating his intention to make such recommendation to be given to the lessee. Such notice may be given to the lessee personally, or, in case the lessee cannot be found, by inserting it once in the *Government Gazette,* and at least three times in a daily newspaper published in Adelaide. No such recommendation shall be made until after the expiration of one month from the giving of such notice.

Cancellation for mismanagement.
Ibid., s. 20.

34. (1) Upon the receipt of a report from any inspector that a leased area is being so stripped of oysters or otherwise mismanaged by the lessee thereof that the production of oysters thereon has been so reduced as to threaten its partial or total destruction as an oyster-bearing area, or that proper steps for cultivation have not after the first year been taken, the chief inspector may, by notice given as provided by section 33, prohibit the further dredging of, or removal of oysters from, such leased area, and may by the same or a like notice call upon the lessee to show cause why the lease of such area should not be cancelled.

(2) After the expiration of one month from the service or publication of the last-mentioned notice, the chief inspector may recommend the cancellation of such lease, and the Minister may thereupon, by notification published in the *Government Gazette,* cancel such lease. Upon such publication all rights and privileges granted by such lease, and the unexpired term thereof, shall cease and determine.

Protection of leased areas.
Ibid., s. 22.

35. (1) It shall not be lawful for any person other than the lessee, his agents or servants, to do any of the following acts, namely:—

(*a*) to take, or in any way disturb or interfere with, any oysters upon any leased area without the consent of the lessee:

(*b*) to cut, or lop, or remove mallee or any other timber from any leased area:

(*c*) to remove from any leased area any mangroves or other timber, shells, tiles, slates, shingles or other substances suitable as spat-catchers, or to dredge or drag upon any leased area with any implement unless by direction or authority of the chief inspector; or

(*d*) to place upon any leased area any implement or thing likely to injure oysters, except for a lawful purpose of navigation or anchorage.

Penalties.

(2) Any person who does any act in contravention of this section shall be liable to a penalty not exceeding twenty pounds, and shall also, upon conviction of any offence under this section, be liable to make such reasonable compensation, not exceeding one hundred pounds, to the lessee for the damage sustained by him by reason of the unlawful act, as the special magistrate or justices adjudicating may determine, and in default of payment the same may be recovered by the lessee in any court of competent jurisdiction.

(3) In case any such act as mentioned in subdivision (*c*) of subsection (1) of this section is lawfully done, reasonable compensation shall be made therefor, subject, however, to the provisions of section 30.

DIVISION V.—MISCELLANEOUS PROVISIONS WITH RESPECT TO OYSTER FISHING.

DIVISION V.

Portions of Crown lands may be declared public oyster reserves. 1128, 1913, s. 23.

36. The Minister may, by notification in the *Government Gazette,* declare any Crown lands to be a public oyster reserve and to be exempt from any power of licensing or leasing conferred by this Act, and, on the recommendation of the chief inspector, may in like manner cancel such notification wholly or in part.

When oyster-bearing areas may be closed. Ibid., s. 21.

37. (1) Whenever the chief inspector, upon the report of any inspector or by his own inspection, is satisfied that the whole or any part of an oyster-bearing area, whether under lease or not, has by over-dredging or from any other cause been reduced to such a state that the taking of oysters therefrom ought to be suspended, or that the oysters thereon are in such a condition as to be not fit for consumption as food, the chief inspector may recommend the Minister to prohibit the taking of oysters from such area.

(2) Thereupon the Minister may, by notification in the *Government Gazette,* prohibit for any term not exceeding

three years the taking of oysters from such area. The Minister may in like manner rescind wholly or in part any such notification.

(3) If any person, without lawful authority, at any time during the period mentioned in such notification (unless the same has been rescinded as aforesaid), takes oysters from such area, he shall be liable to a penalty not exceeding fifty pounds. All oysters, and the bags and packages containing them, found in the possession of any person so offending may be seized, and upon the conviction of the offender shall become forfeited to His Majesty.

(4) Notwithstanding anything in this section, when on an area under lease for oyster culture the reduction to the state mentioned in subsection (1) of this section has, in the opinion of the chief inspector, resulted from natural causes only, such as floods or disease, the Minister may release the lessee of such area from payment of rent for the period of the prohibition.

Penalties for unlawful dredging or taking of oysters.
1128, 1913, s. 24.

38. (1) All oysters on every public oyster reserve, or on Crown lands, or on any area from which the taking of oysters is prohibited under this Act, and all oysters taken therefrom without lawful authority, shall be the property of His Majesty.

(2) If any person without lawful authority dredges for or otherwise takes any oysters from any such reserve, Crown lands, or area, or is found dredging for or taking oysters within the limits of any such reserve, Crown lands, or area, he shall be liable to a penalty not exceeding fifty pounds; and all oysters found in his possession shall be deemed to be taken unlawfully by him, and shall be seized, and, on his conviction, shall become forfeited to His Majesty.

PART IV.

PART IV.

MISCELLANEOUS.

Selling, etc., underweight fish.
864, 1904, s. 16.
Cf. U.K. 23 & 24 Geo. 5 c. 45, s. 4.

39. No person shall take or have in his possession or sell any fish or oysters of less than the prescribed weight.

Minister may remove natural obstructions.
Cf. 864, 1904, s. 17.

40. (1) If in any waters any natural or artificial obstruction prevents the free passage of any fish, the Minister or any person authorised by him may remove the obstruction and secure a free passage to the fish.

(2) Anything done by the Minister or any such authorised person as aforesaid in the exercise of the power hereby conferred, or which is incidental thereto, shall not render the Minister or such person liable to any action or other proceeding at the suit of any person.

Fish illegally taken.
Cf. 864, 1904, s. 18.
Cf. U.K. 9 Edw. 7 c. 8, s. 1.

41. (1) All fish with respect to which any offence against this Act has been committed, and all boats and devices used or intended to be used contrary to this Act, shall be forfeited to His Majesty, and may be disposed of by sale or otherwise as the Minister directs.

(2) The proceeds of any sale under this section shall be paid to the Treasurer for the purposes of the general revenue of the State.

Fish receptacles may be forfeited.
864, 1904, s. 19.

42. If more than one-tenth of the fish contained in any receptacle are under weight, the receptacle may be seized and, together with the whole of the fish therein, forfeited.

Devices may be seized.
Cf. ibid., s. 20.

43. Every inspector and officer under this Act, without any authority other than this Act, may seize any boat or device, or any fish or oysters, which he may have reason to believe is forfeited or liable to forfeiture.

No compensation for destroyed fish or oysters.
Cf. ibid., s. 9.

44. No compensation shall be payable to any person on account of fish or oysters destroyed as unfit for human consumption.

Fish or oysters taken unintentionally to be returned to water.
Cf. ibid., s. 23.

45. If any person who has unintentionally taken any fish or oysters contrary to the provisions of this Act immediately returns the same to the water with as little injury as possible to the fish or oysters so taken, such person shall not be liable to any penalty under this Act.

Lease or licence not to warrant trespass.
Cf. 366, 1885, s. 25.

46. No person shall be entitled by virtue of any lease or licence or permit under this Act—

(*a*) to enter upon any private land; or

(*b*) to take any fish or oysters in or from any waters on or over such land

without the consent of the owner or occupier of such land.

Exemption from operation of Act.
Cf. 864, 1904, s. 22.
Amended by and para. (a) inserted by 2391, 1938, s. 14 (a), (b), and (c).

47. (1) Notwithstanding anything contained in paragraph 1. of subdivision (*a*) of section 53—

(*a*) except from stocked waters wherein fishing is prohibited by proclamation any person may, without any licence, take fish with a rod and line, or a hand line, or a hand crab-net, or a fish spear, and—

(I.) any such person may, in manner aforesaid, when fishing from any wharf or jetty (other than a wharf or jetty constructed in or adjacent to the River Murray), take any fish whether under the prescribed weight or not:

(II.) any such person may, in manner aforesaid, when fishing from other than a jetty or wharf, or when fishing from a wharf or jetty constructed in or adjacent to the River Murray, take any fish, whether under the prescribed weight or not, except such fish as are prescribed, in which case the fish so taken shall be of or over the prescribed weight:

(III.) any such person may, in manner aforesaid, when fishing from other than a jetty or wharf and when fishing in a prescribed area, take during any one day, up to the prescribed number, any such prescribed fish, whether under the prescribed weight or not:

(*b*) any person may, without any licence, take oysters from any natural oyster-bed which is not subject to any exclusive licence under this Act:

Provided that any fish or oysters so taken are not sold or are not taken for the purpose of sale.

(2) Any person taking fish or oysters under this section shall in so doing observe all the provisions of this Act in the same manner as if he were taking such fish or oysters by virtue of a licence issued to him under this Act.

Inserted by 2391, 1938, s. 14 (d).

(3) In any proceedings where any person is charged with having in his possession any fish under the prescribed weight, the onus shall be upon the defendant to prove that the fish was taken whilst fishing from a wharf or jetty other than a wharf or jetty constructed in or adjacent to the River Murray.

Special exemptions.
Cf. 864, 1904, s. 22.

48. Nothing in this Act shall apply to—

(*a*) any full-blooded aboriginal inhabitant of this State taking fish for his household consumption: Provided that no explosive or noxious matter is used in the taking of such fish; nor

(*b*) any person taking fish or oysters with a lawful device and not during close season in waters on or over land whereof he is the owner or occupier, or with the consent or authority of such owner or occupier; nor

(*c*) any person with the written consent of the Minister taking fish *bona fide* for the purpose of removing them to stock other waters, or for such other purpose as is approved by the Minister.

Licences for canning of tunny.

Inserted by 2419, 1938, s. 2.

48a. (1) The Minister, upon such conditions and for such term as he thinks fit, may issue licences for—

(*a*) the canning of tuna and tunny-like fish:

(*b*) the manufacture of fish-meal and fish-oil from tuna and tunny-like fish:

(*c*) sharp freezing or otherwise preserving tuna and tunny-like fish.

(2) The Minister may, in respect of any part of the State, issue to any person an exclusive licence under this section for all or any of the purposes mentioned in subsection (1), and whilst any such licence is current no other licence for any of the purposes included in the exclusive licence shall be issued under this section in respect of the said part of the State.

Every such exclusive licence shall—

(*a*) define the part of the State to which it applies:

(*b*) require that the person to whom it is issued shall expend the amount or amounts fixed by the licence in the establishment and development of the industry and shall contain a condition that, failing such expenditure, the licence may be revoked by the Minister:

(*c*) be for a period of not more than ten years:

(*d*) be issued upon such other conditions as are fixed by the Minister.

(3) If any exclusive licence is granted as aforesaid and the holder thereof satisfies the Minister that markets would not be available for the holders of any additional licences which may be issued under this section in respect of the part of the State to which the exclusive licence applies, the Minister may, upon the expiry of the exclusive licence, issue a further exclusive licence for a period of not more than ten years to the holder of the expired exclusive licence.

(4) If any person not licensed under this section carries on the business of—

(*a*) canning tuna or tunny-like fish; or

(*b*) manufacturing fish-meal or fish-oil from tuna or tunny-like fish; or

(*c*) sharp freezing or otherwise preserving tuna or tunny-like fish,

he shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which he carries on business as aforesaid.

Taking fish for bait. Cf. 864, 1904, s. 22. Amended by 2391, 1938, s. 15 (a).

49. Any person licensed under this Act to take fish may, subject to the provisions of this Act, take fish for bait with a lawful device, whether such fish are under the prescribed weight or not: Provided that—

I. such fish are not taken from closed waters, and

II. the waters wherein such fish are taken are not closed against the device used in such taking, and

Inserted by 2391, 1938, s. 15 (b).

III. such fish are not of the species known as whiting (*Sillaginodes punctatus*) or of any other prescribed species.

Rents, fees, etc., may be recovered by the chief inspector. 864, 1904, s. 31.

50. (1) All rents, fees, and other moneys due and payable under this Act, or any lease or licence granted thereunder, may be sued for and recovered by and in the name of the chief inspector on behalf of the Crown.

(2) The proceedings in any such case may be conducted by any inspector.

Fees, &c., to be paid to Treasurer.

51. All rents, fees, and other moneys due and payable under this Act shall, when received, be paid by the person receiving the same to the Treasurer for the purposes of the general revenue of the State.

How moneys provided for purposes of Act. 864, 1904, s. 32.

52. The moneys required for the purposes of this Act shall be supplied by the Treasurer out of moneys provided by Parliament for such purposes.

PART V.

PART V.

OFFENCES AND PENALTIES.

Offences. Cf. 864, 1904, s. 24. Cf. U.K. 13 & 14 Geo. 5 c. 16, ss. 1, 3.

53. Every person shall be guilty of an offence against this Act who—

Unlawfully taking fish or oysters.

(*a*) takes any fish or oysters—

I. without a licence in that behalf:

II. during any closed season without a permit:

III. from any closed waters:

IV. with any illegal device:

v. under the prescribed weight, without forthwith returning the same to the water:

vi. within one hundred yards of any jetty, pier, or wharf, except with a rod and line, handline, or hand crab-net:

(*b*) uses any device in any other than the prescribed manner: Using device unlawfully.

(*c*) refuses, upon demand by an inspector or other officer appointed by or under this Act, to give his name or address, or gives a false name or a false address: Refusing name.

(*d*) refuses, upon demand as aforesaid, to produce his licence: Licence.

(*e*) refuses to deliver up to an inspector any forfeited boat or device, or any forfeited fish or oysters: Forfeited fish or oysters.

(*f*) stakes, fixes, or otherwise sets across the mouth of any waters, or across or substantially across any channel, creek, stream, or river, any device: Obstruct waters. Cf. U.K. 13 & 14 Geo. 5 c. 16, Part II.

(*g*) uses any device which is— Unlawful device. Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 7.

i. larger than the prescribed dimensions; or

ii. of smaller mesh than is prescribed; or

iii. set in such a manner as to delay, injure, or strand any fish, or to impede the free passage of fish:

* * * * * * * * * * * Para. (h) repealed by 2391, 1938, s. 16.

(*i*) drags or draws ashore any device in such a manner, or to such a distance from the water, as to prevent under-weight fish from escaping into the water: Preventing escape of under-weight fish.

(*j*) neglects to return to the water any fish or oysters under the prescribed weight or taken from closed waters: Neglect to release under-weight fish.

(*k*) sells or has in his possession any fish or oysters under the prescribed weight or taken from closed waters: Selling under-weight fish, etc. Cf. U.K. 23 & 24 Geo. 5 c. 45, s. 2.

(*l*) sells any fish unfit for human consumption: Selling unwholesome fish.

(*m*) sells any fish known as "crayfish" of a size less than prescribed, or any female of such fish, of whatsoever size, having eggs or spawn attached: Crayfish.

Damaging lawful devices by placing obstacles.

(*n*) wilfully or maliciously drives or places any thing whatsoever in any place or position whereby any device may be injured or damaged:

Obstructing fisherman.

(*o*) places a boat in such a position as to obstruct any fisherman from hauling a lawful device to shore, on any recognised hauling ground, or, when requested, neglects to remove such obstruction:

Carrying explosives, etc., in boat.

(*p*) carries any explosive substance, or any poisonous or noxious thing, in any registered fishing boat without a permit:

Explosives, etc., not to be used.
Cf. U.K. 13 & 14 Geo. 5 c 16, s. 9.

(*q*) I. by the explosion of any substance, or by means of any poisonous or noxious thing, destroys or takes fish; or

II. explodes any substance in, under, or immediately above any waters; or

III. places or causes to flow into any waters any poisonous or noxious thing; or

IV. assists the person committing any of such offences:

Provided that the Minister may consent, in writing, to any person exploding torpedoes or dynamite in any waters:

Not to lend or improperly use licence.

(*r*) lets out, lends, or hires any licence, or uses or has in his control or possession any licence not issued to him, or represents himself to be the person mentioned in any such licence:

Wrongful possession of fish or oysters.

(*s*) following the trade or calling of a fisherman, whether as his only trade or calling or not, and not—

I. having a licence to take fish, has any fish in his boat or in his possession or uses any boat in taking fish, or

II. being authorised by lease or licence under this Act to take oysters, has any oysters in his boat or in his possession, or uses any boat in taking oysters:

Removing eggs or spawn of crayfish.

(*t*) detaches or otherwise removes the eggs or spawn, or the hair or fibre to which the eggs or spawn naturally attach, from any fish known as "crayfish," or knowingly has in his possession or control any crayfish from which the eggs or spawn or such hair or fibre has been detached or otherwise removed:

(*u*) whether or not authorised by lease or licence under this Act to take fish or oysters, takes any fish or oysters for sale in an unregistered boat, or uses an unregistered boat in the taking of fish or oysters for sale or otherwise for any purpose of the trade or calling of a fisherman, or manages or takes part in the management of an unregistered boat when the same is so used. Using unregistered boat.

53a. (1) There shall be provided to every pump pipe-line whereby water is drawn from the sea or any river a fish protection screen of a pattern approved by the chief inspector. Provision of fish screens. Inserted by 2391, 1938, s. 17.

(2) If any water is drawn as aforesaid by means of any such pump pipe-line which is not provided with a screen as aforesaid, the owner of the pump pipe-line shall be guilty of an offence against this Act.

54. Every person who takes, or in any way disturbs or interferes with, oysters in any oyster-bed held under lease or licence under this Act without the consent of the lessee or licensee thereof, or in any oyster-bed upon private land without the consent of the owner or occupier thereof, shall be liable to a penalty not exceeding fifty pounds, in addition to such reasonable compensation for the damage done, not exceeding one hundred pounds, as the special magistrate or justices adjudicating may determine. Penalty for interfering with beds. 866, 1885, s. 32.

55. Any person who— Obstructing inspectors. Cf. 977, 1909, s. 8. Cf. U.K. 31 & 32 Vict. c. 45, s. 11.

(*a*) obstructs or hinders any inspector, or

(*b*) in any way interferes with or prevents the exercise of any of the powers conferred or the discharge of any of the duties imposed by this Act upon inspectors, or

(*c*) disobeys any lawful order or direction of an inspector,

shall be guilty of an offence against this Act.

55a. (1) There shall be legibly marked on the outside of or on a label attached to the outside of any box, basket, bag, or other receptacle containing fish or oysters consigned for sale by any person who follows the trade or calling of a fisherman or who deals in fish— Marking of packages. Inserted by 2391, 1938, s. 18.

(*a*) the full name or the initials and surname of the person consigning the fish, and, in either case, his address; and

(*b*) if the person consigning the fish is the holder of a certificate of registration of a boat under section 16, the registered number of the boat.

If more than one person consigns fish as aforesaid, in the same box, basket, bag, or other receptacle, it shall be sufficient compliance with this subsection if the particulars required by this subsection and relating to one of such persons are given as aforesaid.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence against this Act.

(3) The provisions of subsection (1) shall not apply to any fish or oysters whilst in any boat registered under section 16.

(4) In any proceedings under this Act, evidence that any box, basket, bag or other receptacle containing fish or oysters in the course of consignment, bore the name of any person, shall, in the absence of evidence to the contrary, be sufficient proof that the fish or oysters were the property of the person so named on the box, basket, bag or receptacle, or on the label attached thereto, and that the fish or oysters were being consigned for or on sale.

Offences.

56. (1) Any contravention of or failure to observe any provision of this Act, whether by act or omission, shall be an offence against this Act.

Penalties.

(2) Any person guilty of an offence against this Act for which no specific punishment is prescribed shall be liable to a penalty for a first offence of not more than twenty pounds, and for any subsequent offence of not more than fifty pounds.

On second conviction licence may be forfeited.
Cf. 366, 1885, s. 33.

57. If any person holding any lease or licence or permit under this Act is convicted of a second or subsequent offence against the provisions of this Act, he shall, if the special magistrate or justices adjudicating so determine, in addition to suffering the penalty for such second or subsequent offence, forfeit such lease or licence or permit, and be for three years disqualified from obtaining any other lease or licence or permit under this Act.

S. 58 repealed by 2252, 1935, s. 4.

* * * * * * * * * * *

PART VI.

PART VI.

REGULATIONS.

Governor may make regulations.
Cf. 864, 1904, s. 36.
Cf. U.K. 13 & 14 Geo. 5 c. 16, Part VI.

59. In addition to any power by any other section of this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

(*a*) regulating the powers and duties of all officers appointed by or under this Act:

(*b*) fixing the fees to be paid for licences by persons engaged in fishing or oyster fishing:

Cf. U.K. 40 & 41 Vict. c. 42, s. 4.
Cf. U.K. 57 & 58 Vict. c. 26, s. 1.

(*c*) providing for the more effectual protection and improvement of fish or oysters, and the management of any waters in which fishing or oyster fishing may be carried on, including the complete or partial closing of any waters against fishing or oyster fishing, and limiting the use which may be made of any waters:

Paras. (c) to (c5) inserted by 2391, 1938, s. 19.

(*c*1) for the issue and revocation of licences for amateur fishermen; prescribing fees therefor; and fixing periods during which only persons licensed as amateur fishermen may take fish from any stocked waters:

(*c*2) prohibiting the sale of fish or oysters of any kind during a close season for fish or oysters of that kind:

(*c*3) requiring any persons licensed under this Act to supply for statistical purposes to the chief inspector returns of fish and oysters taken:

(*c*4) requiring persons who are engaged in—

(i.) the selling of fish or oysters at any market; or

(ii.) the selling of fish or oysters which have not been sold at a market; or

(iii.) the preserving, curing, smoking, drying or salting of fish or oysters; or

(iv.) the bottling or canning of fish or oysters or of any fish or oyster product intended for human consumption; or

(v.) the preparation of fish by-products intended for human consumption; or

(vi.) the preparation of fertilisers from fish or any fish products or by-products not intended for human consumption; or

(vii.) the carriage of fish or oysters by sea or land,

to supply for statistical purposes to the chief inspector returns of the sales, output, or business of such persons:

(*c*5) prescribing the method whereby licences or certificates shall be granted under section 15a:

Inserted by 2419, 1938, s. 3.

(*c*6) regulating the granting of licences under section 48a and prescribing the terms and conditions of such licences:

(*d*) imposing any penalty not exceeding twenty pounds for any breach of the same or any other regulation.

PART VII.

PART VII.

EVIDENCE AND LEGAL PROCEDURE.

Onus of proof. Cf. 977, 1909, s. 17. Cf. U.K. 31 & 32 Vict. c. 45, s. 55. Cf. U.K. 9 Edw. 7 c. 8, s. 2.

60. In any proceedings for an offence against this Act—

(*a*) the possession or occupancy by any person of a boat containing any fish or oysters or any fishing net, device, or other thing ordinarily used in taking fish or oysters, shall be *prima facie* evidence that such person uses such boat in taking fish or oysters for sale:

(*b*) the possession by any person on any particular day of any illegal device shall, until the contrary is proved to the satisfaction of the special magistrate or justices adjudicating, be sufficient evidence that such person used such device on such day in taking fish or oysters:

(*c*) the failure by any person to produce his licence when required by an inspector or other officer appointed by or under this Act so to do shall be *prima facie* evidence that such person is unlicensed:

(*d*) the onus of proving that an accused person, who is alleged to follow or to have followed the trade or calling of a fisherman, did not at the time of the alleged offence follow that trade or calling, shall be on such accused person:

(*e*) any fish or oysters proved to have been taken shall, until the contrary is proved to the satisfaction of the special magistrate or justices adjudicating, be deemed to have been taken for sale and to have been taken in South Australia: Amended by 1984, 1930, s. 5.

(*f*) the fact that on any particular day there were in any boat any fish or oysters shall be *prima facie* evidence that the person who on such day was in possession or occupancy of such boat took such fish or oysters on such day:

(*g*) the fact that any person charged with unlawfully taking oysters on any particular day was on such day on board any boat engaged in taking oysters shall be conclusive evidence that such person was so taking oysters: 366, 1885, s. 13.

(*h*) if any person is found in possession of, or has in his boat, any explosive substance immediately after an explosion in the vicinity of such boat, it shall be *prima facie* evidence that such person caused such explosion. 864, 1904, s. 28.

61. When an offence against this Act has been committed by a person employed on or in connection with a boat, the master or other person for the time being in charge of such boat shall also be guilty of the offence unless he proves— Master of boat *prima facie* liable for offences of employees. Cf. U.K. 31 & 32 Vict. c. 45, s. 63. Cf. U.K. 38 & 39 Vict. c. 18, s. 4. Cf. U.K. 46 & 47 Vict. c. 22, s. 20.

(*a*) that he issued proper orders for the observance, and used all proper means to enforce the observance, of this Act, and

(*b*) that the offence in question was actually committed by some other person without his connivance.

62. The production of the *Gazette* containing any proclamation, regulation, or notice purporting to have been made or given under this Act shall be *prima facie* evidence of such proclamation, regulation, or notice, and that the same is in force. *Gazette prima facie* evidence. 864, 1904, s. 20. Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 81.

63. Any special magistrate or justices before whom any proceedings are taken in respect of any offence against the provisions of this Act for which a pecuniary penalty only is imposed may, in lieu of such pecuniary penalty, impose a term of imprisonment not exceeding six months. Imprisonment may be imposed in lieu of pecuniary penalty. 864, 1904, s. 30. Cf. U.K. 13 & 14 Geo. 5 c. 16, s. 74.

64. All actions to be brought against the Minister or any inspector, officer, or other person for anything done under this Act shall be commenced within six months after the act complained of was committed. Limitation of actions. Cf. 864, 1904, s. 35.

Summary proceedings for offences.

65. All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal.

66. There shall be an appeal from any proceedings in respect of offences against this Act.

Special case.

67. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

Treasurer may provide for costs of legal proceedings.

68. The Treasurer may cause to be paid the costs or charges of any action brought by or against the Minister or any inspector, officer, or other person acting under the authority or in the execution of this Act.

Section 4.

THE SCHEDULE.

ACTS REPEALED.

Reference to Acts.	Short Titles of Acts.
No. 366 of 1885	The Oyster Fishery Act, 1885.
No. 864 of 1904	The Fisheries Act, 1904.
No. 977 of 1909	The Fisheries Act Amendment Act, 1909.
No. 1128 of 1913	The Oyster Fishery Act Amendment Act, 1913

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.

LOTTERY AND GAMING ACT, 1936-1938.

BEING

LOTTERY AND GAMING ACT, 1936, No. 2282 OF 1936 [ASSENTED TO 3RD SEPTEMBER, 1936.]

AS AMENDED BY

LOTTERY AND GAMING ACT AMENDMENT ACT, 1938, No. 2394 OF 1938 [ASSENTED TO 6TH OCTOBER, 1938.]

AND

LOTTERY AND GAMING ACT AMENDMENT ACT (No. 2), 1938, No. 2417 OF 1938 [ASSENTED TO 15TH DECEMBER, 1938.]

An Act to consolidate certain Acts relating to lotteries and gaming.

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

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Lottery and Gaming Act, 1936-1938." Short title.

2. This Act is divided into parts as follows:— Division of Act.

PART I.—Preliminary.

PART II.—Lotteries.

PART III.—Totalizator.

PART IV.—Licensing of Bookmakers.

PART V.—Unlawful Gaming.

PART VI.—Common Gaming-houses.

PART VII.—Evidence.

PART VIII.—Procedure and Miscellaneous.

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed. Repeal.

Commencement: The Lottery and Gaming Act Amendment Act (No. 2), 1938, was proclaimed to commence on 19th December, 1938: *Gazette* 15th December, 1938, p. 1497.

Interpretation.
1285, 1917, s. 4.
1447, 1920, s. 3.
1494, 1921, s. 3.
2135, 1933, s. 3.

4. In this Act, except where the subject matter or context or some other provision requires a different construction—

"board" means the Betting Control Board:

"chairman" means the chairman of the board:

Amended by 2417, 1938, s. 2.

"court" means a special magistrate or two or more justices of the peace sitting as a court of summary jurisdiction:

"loiter" means to idle or linger about:

"lottery" means any scheme or device for the sale or gift or disposal or distribution of any property, real or personal, or money, or thing, or any right thereto, or of any share therein depending upon or to be determined by lot or drawing, whether out of a box or other receptacle, or by cards, token, coin, or dice, or by any machine, ticket, envelope, or device, or chance whatsoever:

"occupier" in relation to occupiers of any house, office, room, or place used for a purpose forbidden by this Act means the owner, occupier, or keeper of any house, office, room, or place, or any person using the same, or any person procured or employed by or acting for or on behalf of the owner, occupier, or keeper, or person using the same, or any person having the care or management, or in any manner conducting the business thereof:

U.K. 4, Geo. 4, c. 60, s. 60.

"place" means any house, office, room, tent, ship, building, erection, road, street, thoroughfare, alley, right-of-way (either public or private), and all land (whether public or private) enclosed or otherwise:

---

s. 4. (Definition of "lottery.") O'SULLIVAN v. TANNER (1921) S.A.S.R. 248. Where a person invited the public to order suits of clothes and promised that one suit would be given free in every hundred orders received, held that the scheme was a lottery.

CHURCH, *vice* HORSEMAN v. NEWS LIMITED (1933) S.A.S.R. 70; 9 Austn. Digest 404. Held that a competition determined mainly by chance was a lottery, although some degree of skill was involved. If the element of skill involved in a competition preponderates or balances the element of chance the competition is not a lottery.

(Definition of "public place.") REGINA v. BARNARD (1884) 18 S.A.L.R. 54; 6 A.L.J. 6; 9 Austn. Digest 506. Held that a part of a racecourse fenced by a picket fence 4ft. high, and to which access was granted only to members of certain clubs, was not a public place or a place to which the public had access whether on payment of money or otherwise within the meaning of Act 282, 1883.

SANDERSON v. ALLCHURCH (1922) S.A.S.R. 7; 9 Austn. Digest 506. The public lawns in front of the grandstand on a racecourse are a "public place" within the meaning of section 4.

"public place" means—

(*a*) every public place;

(*b*) every place to which the public are permitted to have access tacitly or otherwise and whether upon payment of money or not;

(*c*) any premises in respect of which a licence granted under the Licensing Act, 1932, is in force;

(*d*) any shop, and any part of a building occupied in connection with, or for the purposes of, a shop;

(*e*) any factory, and the appurtenances of any factory;

(*f*) any building or place occupied by any club (whether a racing club or not), and the appurtenances thereof; and

(*g*) any place commonly used by the public whether as trespassers or otherwise. Cf. U.K. 6 Edw. 7 c. 43, s. 1 (4).

"street" means every public street, thoroughfare, private street, or road commonly used by or to which the public are permitted to have access:

"sweepstakes" means every transaction, scheme, device, or arrangement (expressed or implied) whereby any money or valuable thing is paid, contributed, or subscribed by any persons for the purpose of payment to or division among any person or persons in any proportions on any event or contingency dependent on the result of any race, game, sport, or exercise, whether such race, game, sport, or exercise shall be within or outside the State: Cf. U.K. 18 & 19 Geo. 5 c. 41, s. 1 (3) (a).

"totalizator" means the machine or instrument known as "The Totalizator" and any other machine or instrument of a like nature and conducted on like principles:

"unlawful gaming" means—

(*a*) the playing at or in engaging in any game with cards or other instruments, or with money, in or as the result of which game any person or persons derives or is intended to derive (other than in his capacity as a player) any part or percentage of any money or thing played for, staked,

or wagered, such part or percentage not being money received for deposit in any licensed totalizator; and

(*b*) any contravention of or failure to observe any provision of this Act, whether that provision relates to unlawful gaming as hereinbefore defined or not.

PART II.

PART II.

LOTTERIES.

Lotteries declared nuisances.
1285, 1917, s. 5.
U.K. 10 Will. 3 c. 23, s. 1; 42 Geo. 3 c. 119, s. 1; 24 & 25 Geo. 5, c. 58, s. 21.

5. Every lottery is hereby declared to be a common nuisance and unlawful, and every sale or gift, disposal or distribution made by means or in pursuance thereof void.

Opening lotteries, and aiding and playing thereat.
1285, 1917, s. 6.
U.K. 10 Will 3, c. 23, ss. 2, 3; 12 Geo. 2 c. 28, s. 1; 42 Geo. 3, c. 119, s. 2.

6. (1) No person shall, either publicly or privately exercise, open, or show, to be played, thrown, or drawn at, any lottery.

Penalty—One hundred pounds, or in default imprisonment for six months.

(2) No person shall employ, aid, or abet, any other person in publicly or privately exercising, opening, or showing to be played, thrown, or drawn at, any lottery.

Penalty—Fifty pounds, or in default imprisonment for three months.

(3) No person shall play, throw, or draw at any such lottery.

Penalty—Ten pounds, or in default imprisonment for one month.

---

s. 5. O'SULLIVAN v. TANNER (1921) S.A.S.R. 248. Where a person invited the public to order suits of clothes and promised that one suit would be given free in every hundred orders received, held that the scheme was a lottery.

CHURCH, *vice* HORSEMAN v. NEWS LIMITED (1933) S.A.S.R. 70; 9 Austn. Digest 404. Held that a competition determined mainly by chance was a lottery, although some degree of skill was involved. If the element of skill involved in a competition preponderates or balances the element of chance the competition is not a lottery. [See also the cases noted under section 10.]

Promises to pay money or deliver goods, etc., on event of lottery.
1285, 1917, s. 7.
Cf. U.K. 8 Geo. 1 c. 2, s. 36 (part); 42 Geo. 3 c. 119, s. 5.

7. No person shall promise or agree to—

(*a*) pay any sum of money; or

(*b*) deliver any goods; or

(*c*) do or forbear doing anything for the benefit of any person,

whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket or tickets, lot or lots, numbers, figures, or names in any lottery, or

(*d*) publish any proposal for any of the purposes aforesaid.

Penalty—Fifty pounds, or in default imprisonment for three months.

Advertising lotteries.
1285, 1917, s. 8.
Cf. U.K. 9 Anne c. 6, s. 57; 6 & 7 Will. 4 c. 66, s. 1; 24 & 25 Geo. 5 c. 58, s. 22.

8. No person shall print, exhibit, or publish, or cause to be printed, exhibited, or published, any placard, handbill, card, writing, sign, or advertisement of any lottery, or of any proposal for any lottery.

Penalty—Fifty pounds, or in default imprisonment for three months.

Exceptions from Act.
1285, 1917, s. 9.
U.K. 9 & 10 Vict. c. 48; 24 & 25 Geo. 5 c. 58, ss. 23-25.

9. Nothing in this Part of this Act shall extend to or affect—

(*a*) any allotment of real or personal estate or interest which according to law is legally allottable, or may be allotted or held by, or by means of, any allotment or partition by lots:

(*b*) any voluntary association or branch thereof formed or established in the State for the purchase of paintings, drawings, or other works of art to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers, or contributors forming part of such association, or for raising sums of money by subscription or contribution, to be allotted and distributed by chance or otherwise as prizes amongst the members, subscribers, or contributors forming part of such association: Provided that—

(i.) such sums of money so allotted and distributed are expended solely and entirely in the purchase of paintings, drawings, or other works of art; and

(ii.) the proceedings of such association are carried on in good faith for the encouragement of the fine arts.

Publication of information regarding lotteries.
1285, 1917, s. 10.
Cf. U.K. 8 Geo. 1 c. 2, s. 36 (part).
Cf. 6 & 7 Will. 4 c. 66, s. 1;
24 & 25 Geo. 5 c. 58, s. 22.

10. No person shall—

(*a*) print, publish, or exhibit, or cause to be printed, published, or exhibited in any newspaper, or on any placard, handbill, circular, or card, any advertisement, sign, notice, or other information of or relating to the establishment, commencement, promotion, carrying on, or drawing, or intended establishment, commencement, promotion, carrying on, or drawing of any illegal lottery, whether wholly or partly established, commenced, carried on, promoted, or managed in the State or elsewhere; or

(*b*) being registered as the proprietor, printer, or publisher of any newspaper, permit or suffer any such advertisement, sign, notice, or information to be printed or published in such newspaper; or

(*c*) print any ticket or other thing entitling or intended to entitle any person or persons to any chance or share in any illegal lottery; or

(*d*) sell, circulate, exhibit, or dispose of any newspaper printed in any part of the Commonwealth of Australia which contains any advertisement, sign, notice, or information relating to any illegal lottery, or the drawing, conduct, or management thereof.

Sale of lottery tickets.
1285, 1917, s. 11.
Cf. U.K. 8 Geo. 1 c. 2, s. 36 (part); 4 Geo. 4 c. 60, s. 41.

11. No person shall sell, or offer for sale, or deliver, or give, or buy, or pay for, or knowingly receive or accept any ticket, chance, or share in any illegal lottery.

---

s. 10. O'SULLIVAN v. TANNER (1921) S.A.S.R. 248; 9 Austn. Digest 426. A person causes an advertisement to be published if he hands a copy of it to the agent of a newspaper proprietor and asks that it be printed in a paper published by the proprietor. Proof of such a request satisfies the onus on the prosecutor as to *mens rea*. If the advertisement discloses a scheme for disposal of property by chance, that is sufficient evidence of an intended lottery without proof that the scheme was to be carried out.

KNEEBONE v. WHITTLE (1922) S.A.S.R. 257; 9 Austn. Digest 405. An advertisement relates to the establishment of an illegal lottery if—(*a*) the language used can only be reasonably interpreted as describing a scheme which is a scheme for distributing money by chance even if some other scheme is in fact intended to be carried out; or (*b*) if, though innocent on its face, the advertisement relates to a scheme which is, in fact, a lottery.

NEWS LIMITED v. HORSEMAN (1931) S.A.S.R. 278; 9 Austn. Digest 412. A lottery carried on in another State, though legal there, is an illegal lottery within the meaning of section 10 (*a*).

Placards relating to illegal lotteries. 1285, 1917, s. 12.

12. (1) No person shall placard, post up, or exhibit, or permit or suffer to be placarded, posted up, or exhibited, or shall assist in placarding, posting up, or exhibiting in or on or about any land, building, hoarding, or premises any information or notice relating to any illegal lottery.

(2) Where any such information or notice is placarded, posted up, or exhibited on any land, building, or premises, it shall, unless the contrary is proved, be presumed to have been so placarded, posted up, or exhibited by or with the permission of the occupier of that land, building, hoarding, or premises.

Sending money to lotteries. 1285, 1917, s. 13. Cf. U.K. 9 Geo. 1 c. 19, s. 4; 6 Geo. 2 c. 35, s. 29; 24 & 25 Geo. 5 c. 58, s. 22.

13. No person shall, for gain or otherwise, in any manner whatever directly or indirectly forward or partly forward, or give or receive for the purpose or intent that the same shall be so forwarded, any packet, or parcel, or money, cheque, draft, order for the payment of money, or valuable thing whatsoever to the promoters, managers, or conductors of any illegal lottery or sweepstakes conducted or drawn or intended to be conducted or drawn in any state, country, or place within or outside the State, and whether such lottery or sweepstakes is illegal according to the law of such state, country, or place, or otherwise.

Allegations *prima facie* proof. 1285, 1917, s. 14.

14. The allegations in any complaint laid in relation to any alleged offence against the provisions of the next preceding section—

(*a*) that any packet, parcel, money, cheque, draft, order for the payment of money or valuable thing specified in such complaint has been forwarded or partly forwarded, or has been given or received for the purpose or intent that the same should be forwarded (as the case may be):

(*b*) that any person or persons, club, association, or company named in the complaint is the promoter, manager, or conductor (as the case may be) of any illegal lottery:

(*c*) that any lottery named or described in the complaint is an illegal lottery,

shall be accepted by the court as proof of the truth of such allegations, unless the contrary is proved.

PART III.

PART III.

TOTALIZATOR.

Totalizator licences.
1285, 1917, s. 15.
1382, 1919, s. 3.
1986, 1930, s. 2.
Cf. U.K. 18 & 19 Geo. 5 c. 41.

15. (1) The Commissioner of Police may, upon application made to him for the purpose, and subject to the approval of the Chief Secretary, issue licences to the committees or other executive bodies of racing clubs authorizing the use of the totalizator upon the terms and conditions prescribed by the regulations in the second schedule to this Act.

(2) Every such application shall be made in writing in the form of the third schedule, or to the like effect, by the chairman or secretary of the club seeking to be licensed.

Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 10.

(3) Every licence so issued shall be in force from the day specified in the licence until the succeeding thirty-first day of December (both days inclusive), and shall entitle the club therein mentioned to use the totalizator upon the racecourse and upon the days specified in the licence, or upon such other day or days in place of any of the days so specified as the Chief Secretary may from time to time, in writing upon such licence, approve.

(4) Not more than one licence shall be granted to any one club in respect of any one year.

(5) No licence shall be issued to authorize the use of the totalizator, except at horse racing.

(6) In granting any licences the Commissioner of Police shall give priority to the claims of any racing club owning or leasing a racecourse and to whom a licence was issued prior to the twentieth day of November, nineteen hundred and thirty.

Restriction on licences in metropolitan area.
1285, 1917, s. 20.
Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 1 (1).

16. No licence shall be issued for the use of the totalizator on any racecourse situated within twenty miles of Adelaide, except for the racecourses known as the Victoria Park, Morphettville, Cheltenham, and Onkaparinga racecourses, unless a resolution has been passed by both Houses of Parliament authorizing the issue of such a licence.

Restriction on other licences.
1285, 1917, s. 21.
1447, 1920, s. 4.

17. (1) No licence shall be issued for the use of the totalizator on any racecourse situate within ten miles of any racecourse in respect of which a licence to use the totalizator has been or usually is issued, and where more applications than one are simultaneously made for racecourses situate within twenty miles of each other, it shall be in the discretion of the Commissioner, subject to the approval of the Chief Secretary, to license which racecourse he thinks fit.

(2) This section shall not apply to the racecourses known as the Victoria Park, Morphettville, Cheltenham, and Onkaparinga racecourses, nor to the racecourses used by Jamestown Jockey Club, the North-Western Jockey Club, and the Quorn Jockey Club.

Conditions of issue of licence. 1285, 1917, s. 16.

18. No licence shall be issued to any racing club unless the aplicant proves to the satisfaction of the Commissioner of Police the following matters:—

(*a*) where the racing club uses a racecourse situated within ten miles of Adelaide—

i. that there are at least one hundred members of such club; and

ii. that the annual value of members' subscriptions of such club amounts to not less than two hundred pounds;

(*b*) where the racing club uses a racecourse situated a greater distance than ten miles from the City of Adelaide—

i. that there are at least fifty members of such club; and

ii. that the annual value of members' subscriptions amounts to not less than fifty pounds.

Number of times totalizator may be used. 1285, 1917, s. 22. 1447, 1920, s. 5. 1986, 1930, s. 2. 2188, 1934, s. 3. Amended by 2417, 1938, s. 3.

19. No licence granted under this Act shall sanction the use of any totalizator—

(*a*) on any racecourse within fifteen miles of the General Post Office, Adelaide, for more than fifteen days in any one year:

Provided that a licence granted to the South Australian Jockey Club, Limited, may sanction the use of the totalizator on the Morphettville racecourse on one additional day if the Commissioner of Police is satisfied that on that day a race meeting will be held on that course by at least three racing clubs jointly, and that the net profits from that meeting will be devoted to charitable purposes:

(*b*) on any other racecourse for more than eight days in any one year.

Totalizator on the flat. 1447, 1920, s. 11. 1494, 1921, s. 12. 1877, 1928, s. 8. 2188, 1935, s. 10.

20. (1) No licence to use the totalizator shall be granted to any club unless the Commissioner of Police is satisfied that that club provides or will provide facilities for the public to use the totalizator on those portions of the racecourse known as the "Grandstand," "Derby," and "Flat," on payment of either two shillings or two shillings and sixpence per ticket

on every day on which the totalizator is used on any other portion of the racecourse: Provided that this section shall not apply in respect of any racecourse situated more than twenty miles from the General Post Office at Adelaide, nor in respect of the racecourse known as the Onkaparinga racecourse: Provided further that nothing in this section shall be deemed to prevent the committee or executive body of the club from issuing from any totalizator tickets for both the amounts aforesaid, nor from issuing tickets for any amount which is a multiple of either such amount.

(2) If, in the opinion of the Commissioner of Police, such facilities are not being provided, the Commissioner may at any time, after having given at least two months' notice in writing to the club concerned, revoke the said licence.

Use of totalizator at trotting races.
2188, 1934, s. 11.

21. (1) Notwithstanding any provision of this Act, the Commissioner of Police may, upon application made to him for the purpose, and subject to the approval of the Chief Secretary, issue a licence to the committee or other executive body of any trotting club authorizing the use of the totalizator at any trotting race meeting or meetings for which a permit has been obtained under the next succeeding section.

(2) The licences granted under this section shall not authorize the use of the totalizator in the aggregate for more than thirty-five nights per year in the metropolitan area and sixty nights per year outside the metropolitan area, or for more than eleven nights per year at any one town outside the metropolitan area.

Inserted by 2417, 1938, s. 4.

The Commissioner of Police, if satisfied that the net proceeds of any trotting meeting will be devoted to charitable purposes, may, upon application made to him for the purpose and subject to the approval of the Chief Secretary, issue an additional licence for the use of the totalizator at such trotting meeting: Provided that licences additional to the number before mentioned in this section shall not be issued for more than two nights in the metropolitan area nor more than five days or nights outside the metropolitan area and, in the case of licences outside the metropolitan area, shall not be issued for more than one day or night for any trotting club.

Permits to hold trotting races.
2188, 1934, s. 12.

22. (1) No trotting race meeting at which the totalizator is used shall be held unless a permit, in writing, authorizing it to be held has been issued by the South Australian Trotting League Incorporated.

(2) The said League may, with the consent of the Commissioner of Police, issue such permits for the holding of trotting race meetings as it thinks fit. Each permit shall be for one night only as regards a meeting to be held in the metropolitan area, and for either one day or one night as regards a meeting to be held outside the metropolitan area.

(3) If any trotting race meeting is held in contravention of this section, the person by or on whose behalf the trotting race meeting is held, or, if the meeting is held by an association of persons, each member of the committee or other executive body of the association, and any person acting at the meeting as steward, starter, or judge shall be guilty of an offence punishable on summary conviction.

Penalty—Twenty pounds.

(4) For the purpose of this Act no agricultural show shall be deemed to be a trotting race meeting.

(5) In this section "metropolitan area" means the area within a radius of twenty miles from the General Post Office. **Amended by 2394, 1938, s. 2.**

22a. (1) Notwithstanding any law, or any rule, regulation, or by-law of the South Australian Trotting League Incorporated (in this section called "the League"), the League shall be constituted in accordance with this section. Constitution of South Australian Trotting League. **Inserted by 2417, 1938, s. 5.**

(2) On the thirty-first day of December, nineteen hundred and thirty-eight, all members of the League then in office shall retire and thereafter the League shall consist of one delegate from each trotting club affiliated with the League.

(3) During the month of December, nineteen hundred and thirty-eight, and in the month of December in each year thereafter each trotting club affiliated with the League shall nominate a delegate to the League by writing delivered to the secretary of the League.

If any trotting club fails to nominate a delegate the board may nominate one on its behalf. Every delegate so nominated shall be a member of the League as from the first day of January next following his nomination.

(4) The members of the League shall elect one of their number to be chairman of the League. If the chairman is not present at any meeting of the League at which a quorum is present the members of the League present at that meeting shall elect an acting chairman for the day. The chairman or acting chairman shall have a deliberative vote and if the vote on any question is equal the chairman or acting chairman shall aso have a casting vote.

(5) A majority of the members of the League shall form a quorum thereof. At every meeting of the League every matter coming up for decision shall be decided by a majority of the votes cast by the members present.

(6) No proceeding of the League shall be invalid by reason only of a vacancy in the office of any member or any defect or irregularity in the nomination of any member.

(7) The League shall not delegate its powers to any sub-committee or other body, but this subsection shall not prevent the League from employing officers and servants to assist it in carrying out its functions.

(8) Any affiliated club which is aggrieved by any decision of the League affecting such club may appeal to the board against that decision.

The appeal shall be commenced by written notice given to the board not later than two months after the decision appealed against was given.

The board shall decide the matter of every appeal in such manner as it deems just and its decision thereon shall be final.

Application of Lottery and Gaming Act to totalizator at trotting races.
2188, 1934, s. 13.

23. Sections 18, 25, the rules and regulations under section 26, sections 27, 28, 29, and 30 of this Act, and the provisions of the Stamp Duties Act, 1923, relating to totalizator duty shall apply, with the necessary modifications, in respect of the licensing, use, and receipts of the totalizator used at trotting race meetings, pursuant to this Act.

Employment of females in totalizator.
1447, 1920, s. 12.

24. Notwithstanding anything contained in this Act, no female shall be employed in any capacity in connection with the work in or about a totalizator. If any club fails to observe this provision, the chairman thereof shall be deemed to be guilty of an offence.

Penalty—Not less than ten pounds nor more than fifty pounds.

Duty of racing clubs to prevent illegal betting.
1285, 1917, s. 16a.
1877, 1928, s. 3.

25. (1) Every licence under this Part shall be deemed to be issued subject to the condition that the racing club to which it is issued shall if the Commissioner of Police or any inspector or sub-inspector of police informs the club or the secretary or any official thereof that he believes that any person on the racecourse on any day when races are being held is an unlicensed bookmaker, or is on the racecourse for the purpose of unlawful gaming, take or cause to be taken all necessary and lawful steps to remove and exclude that person from the racecourse and keep him excluded therefrom.

(2) If the Commissioner of Police is satisfied that any club has wilfully or negligently failed to comply with this section he may, with the approval of the Chief Secretary—

(*a*) revoke the licence of that club:

(*b*) suspend the said licence for such period as he thinks fit:

(*c*) if the licence is revoked, direct that no further licence shall be issued to the club within such period, not exceeding twelve months, as he thinks fit.

Rules and regulations. 1285, 1917, s. 17. 1494, 1921, s. 4.

26. The Governor may—

(*a*) revoke or vary any of the rules and regulations set out in the second schedule hereto:

(*b*) make new rules and regulations in addition to or in substitution for any of such rules and regulations:

(*c*) make regulations—

i. for regulating the manner of approaching to and departing from totalizators;

ii. generally for regulating the conduct of persons in the vicinity of totalizators;

iii. authorizing members of the police force to control and direct the conduct of persons in the vicinity of totalizators;

iv. providing for the compliance by persons in the vicinity of totalizators with the reasonable directions of members of the police force; and

v. imposing a penalty, not exceeding ten pounds, for the breach of any regulation made under the provisions of subdivision (*c*) of this section.

Use of totalizator by minors. 1285, 1917, ss. 18 & 19. Cf. U.K. 18 & 19 Geo. 5 c. 41, s. 4; 24 & 25 Geo. 5 c. 58, s. 15.

27. (1) No person under the age of twenty-one years shall bet by means of the totalizator.

Penalty—First offence, not less than one pound nor more than seventy pounds. Each subsequent offence, not less than five pounds nor more than fifty pounds.

(2) A clearly printed copy of this section shall be affixed over each door or opening in every totalizator.

(3) No licensee of any totalizator shall use that totalizator without having affixed such copies as aforesaid.

Penalty—Twenty pounds.

Mode of dealing with moneys paid into totalizator.
1285, 1917, s. 23.
1494, 1921, s. 5.
1877, 1928, s. 5.
Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 18.

28. (1) Every club—

(*a*) shall deduct (for the purpose of being dealt with in accordance with this section) twelve and three-quarters per centum of the moneys paid into the totalizator in respect of each race;

(*b*) shall, after making such deduction, pay out by way of dividends all moneys paid into the totalizator, but so that it shall not be necessary—

(i.) in respect of a ticket issued on payment of any sum not exceeding five shillings, to pay out any smaller fraction of a shilling than three pence; and

(ii.) in respect of a ticket issued on payment of any sum exceeding five shillings, but not exceeding ten shillings, to pay out any smaller fraction of a shilling than six pence; and

(iii.) in respect of a ticket issued on payment of any other sum to pay out any fraction of a shilling.

(2) The amount remaining by reason of the non-payment of such fractions shall be paid by the club holding the same to such charitable purposes and in such amounts as the committee of the club, with the approval of the Commissioner of Police, thinks fit.

(3) If approval for the payment of any such amount is not obtained, and payment made in accordance with such approval, within six months from the date of the race meeting in respect of which the amount accrued, the chairman of the club making default shall be guilty of an offence against this Act.

(4) Out of the moneys deducted in accordance with subsection (1) of this section the club shall pay to the Commissioner of Stamps the duty payable under the Stamp Duties Act, 1923, in respect of the gross takings of the totalizator from which takings the moneys were deducted, and the balance of the moneys so deducted may be retained by the club as commission for the use and benefit of the club.

Club to render account.
1285, 1917, s. 24.
1447, 1920, s. 6.
1494, 1921, s. 6.

29. (1) Within twenty-one days after every race meeting held on any day for which any licence is granted under this Act, every club so licensed shall deposit with the Commissioner of Police a full and true account under the hand of its

secretary, or the hands of two members of its committee or executive body, showing—

(*a*) the sums received by the club through the totalizator on the occasion of the use thereof under the licence;

(*b*) the amount paid in dividends through the totalizator on that occasion;

(*c*) the amount of commission retained by the club;

(*d*) the manner in which that commission has been expended; and

(*e*) the amounts of dividends unclaimed by the persons entitled to receive them.

(2) Within twenty-one days after the last day for which any licence is granted under this Act every club so licensed shall deposit with the Commissioner of Police a correct schedule of the names, addresses, and occupation of its members.

(3) The amount of all dividends unclaimed for a period of two months after they became payable by the persons entitled to receive them, shall be paid by the club holding those dividends to the Commissioner of Police, who shall pay them to the Treasurer of the State to be applied by him for the public uses of the State.

(4) If any club fails to observe any provision of this section, the chairman thereof shall be deemed to be guilty of an offence against this Act.

Penalty—Not less than twenty pounds nor more than fifty pounds.

(5) For the purpose of the recovery of the amount of any dividend which is payable under the provisions of subsection (3) hereof, that amount shall be deemed to be a debt due by the club to the Commissioner of Police, who may in his own name sue the club for the same in any court of competent jurisdiction. In any such proceedings the secretary of the club or any member of its committee or executive body may be named as defendant on behalf of the club, but no such person shall incur any personal liability by reason only of his having been so named.

(6) In any such proceedings a document purporting to be an account deposited by the defendant club under subsection (1) of this section or under subsection (1) of section 24 of the Lottery and Gaming Act, 1917, shall be admitted in evidence

on its mere production from the custody of the Commissioner of Police, and, so far as its truth is not disproved by the defendant, shall be conclusive evidence of the truth of its contents.

Gazette notice.
685, 1897, s. 9.
1285, 1917, s. 25.
1382, 1919, s. 4.

30. (1) The Commissioner of Police shall cause to be published in the *Government Gazette* in the month of January in each year particulars of all licences granted for that year, with the names of the clubs to which those licences have been granted, and the racecourses whereon and the dates upon which any such clubs are licensed to use the totalizator.

(2) If any licence is granted after the publication of the particulars aforesaid, the Commissioner of Police shall, as soon as possible after the granting of the licence, cause to be published in the *Government Gazette* the same particulars with respect to the licence so granted.

Detention rooms for use of police.
1494, 1921, s. 15.

31. (1) Every racing club licensed to use the totalizator shall provide such a detention room as hereinafter mentioned on every racecourse whereon it is licensed to use the totalizator during every day on which the club is licensed to use the totalizator thereon.

(2) The detention room shall be for the sole use of members of the police force on duty on the racecourse on that day in carrying out their duties, and shall be of such dimensions and so constructed and furnished and so situated as the Commissioner of Police thinks proper: Provided that, if the club is dissatisfied with any requisition made by the Commissioner under this section, it may appeal to the Minister against such requisition, and the Minister's decision on the matter shall be final.

(3) If, in the opinion of the Commissioner of Police, a racing club has not complied with the provisions of this section after one month's notice has been given to the secretary of the club requiring the club so to comply, the Commissioner of Police may revoke the licence to use the totalizator issued to the club which is for the time being in force.

PART IV.

PART IV.

LICENSING OF BOOKMAKERS.

Cf. U.K. 24 & 25 Geo. 5 c. 58, ss. 2, 3.

Interpretation.

32. In this Part, unless the context otherwise requires—

1285, 1917, s. 25a. 2135, 1933, s. 4. 2159, 1934, s. 4.

Amended by 2417, 1938, s. 6.

"country racing clubs" means the Balaklava Racing Club, Berri Racing Club Limited, Burra Racing Club, Clare Racing Club, Jamestown Racing Club Limited, Kadina and Wallaroo Jockey Club, Kalangadoo Racing Club, Laura Jockey Club Limited, Loxton Racing Club, Mannum Racing Club, Millicent Racing Club, Mount Gambier Racing Club, the Murray Bridge Racing Club Limited, Naracoorte Racing Club, Orroroo Jockey Club, Penola Racing Club Limited, Pinnaroo Racing Club Limited, Port Augusta Racing Club Limited, Port Lincoln Racing Club, Port Pirie Racing Club Limited, Quorn Jockey Club, Renmark Racing Club Limited, Snowtown Racing Club, Strathalbyn Racing Club, Streaky Bay Racing Club, Tailem Bend Racing Club, The Peterborough Racing Club Limited, the Waikerie Racing Club, and any other racing club included in this definition by proclamation made by the Governor:

"coursing meeting" means any meeting for the hunting or coursing of hares but does not include any kind of speed coursing or dog racing:

"metropolitan racing clubs" means the South Australian Jockey Club, Adelaide Racing Club Limited, Port Adelaide Racing Club Limited, Onkaparinga Racing Club, Gawler Jockey Club Limited, the Amateur Turf Club Incorporated, Adelaide Hunt Club, The S.A. Tattersalls Club Incorporated, the S.A. Licensed Victuallers Racing Club Limited, and any other racing club included in this definition by proclamation made by the Governor:

"licence" means a bookmaker's, clerk's, or agent's licence for the time being in force under this Part:

"racecourse" means any land which is being used for holding a race meeting for horse races:

"racing club" means any metropolitan or country racing club:

"registered" means registered under this Part and "registration" has a corresponding meaning:

"rules" means rules made by the board under this Part:

"this Part" includes the rules made under this Part:

"trotting ground" means any land which is being used for holding a race meeting for trotting races:

"trotting club" means a club controlling a trotting ground for the time being.

Power to make proclamation.

Inserted by 2417, 1938, s. 7.

32a. (1) The Governor may from time to time by proclamation declare any racing club to be a country racing club or a metropolitan racing club and may revoke any such proclamation.

(2) The Governor may from time to time by proclamation declare that any racing club described by section 32 as a country racing club or a metropolitan racing club shall cease to be a country racing club or metropolitan racing club, as the case may be.

(3) If at any time the Governor is satisfied that any country racing club or metropolitan racing club has not held a race meeting during a period of at least two years (whether the said period occurs before or after or partly before or after the commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938), and that the failure to hold a race meeting was without reasonable cause, the Governor shall by proclamation declare that the racing club shall cease to be a country racing club, or a metropolitan racing club, as the case may be.

Legalization of betting with bookmakers.

1285, 1917, s. 25b.
2135, 1933, s. 4.
2159, 1934, s. 4.
Cf. U.K. 24 & 25 Geo. 5 c. 58, ss. 4, 12.

33. (1) Notwithstanding any law to the contrary it shall be lawful to bet by way of wagering or gaming in accordance with this Part—

(*a*) on any racecourse or trotting ground during the holding of a race meeting for horse races or trotting races thereon; or

(*b*) at any place where a coursing meeting is being held; or

(*c*) at or in any premises registered under this Part.

(2) Such betting shall not be a ground on which any premises or place shall be deemed or declared to be a common gaming house.

s. 33. KIRK v. MILLER (1936) S.A.S.R. 277. The words "purpose of betting" in paragraph (*b*) of subsection (3) means the purpose of betting in accordance with Part IV. of the Act.

(3) It shall be a defence to any charge of an offence under this Act—

(*a*) in a case where the defendant is the holder of a licence, that he was at all relevant times acting in accordance with this Part and the terms and conditions of his licence and of his permit or the registration of the premises in which he was operating:

(*b*) in a case where the defendant is not the holder of a licence, that the matter proved was betting or offering to bet with a licensed bookmaker in any place where the bookmaker was licensed to bet, or being in any such place for the purpose of betting, and that the defendant was over the age of twenty-one years, and was not knowingly concerned in any breach of this Part or of the terms and conditions of the bookmaker's licence or permit, or of the registration of the premises in which the bookmaker was betting. Amended by 2417, 1938, s. 8.

(4) Nothing in this Part shall affect section 50 of this Act.

34. (1) For the purpose of this Part there shall be constituted a board to be known as the Betting Control Board. Betting Control Board.

(2) The board is charged in the performance of its duties and exercise of its powers hereunder with the duty of controlling betting in such a manner as is reasonably consistent with the welfare of the public generally and the interests of persons and bodies liable to be affected thereby. Substituted by 2417, 1938, s. 9.

(3) Upon the passing of the Lottery and Gaming Act Amendment Act (No. 2), 1938, all the present members of the Betting Control Board shall retire, and thenceforth the board shall consist of three members only.

(4) The Governor may without nomination fill the three vacancies on the board created by the operation of subsection (3) hereof by appointing thereto a chairman and two members.

(5) At the end of the third year of office one of the three members of the board provided for by this section, to be determined by lot, shall retire, and at the end of the fourth year of service on the board one of the two other original members of the board, to be determined by lot, shall retire. At the end of the fifth year the third original member shall retire. Thereafter every member of the board shall retire after he has held office for a term of three years from his appointment or re-appointment. A member appointed to fill

any casual vacancy shall retire at the time that the member in whose place he has been appointed would have retired. Each retiring member shall be eligible for re-appointment.

(6) Neither the chairman nor any member of the board, nor any officer or servant of the board shall, as such, be subject to the Public Service Act, 1936-1938.

(7) Two members of the board shall form a quorum thereof.

(8) The board shall be a body corporate with perpetual succession and a common seal, and with power to hold real and personal property of all kinds.

(9) No act or decision of the board shall be invalid or defective on the ground that when such act was done or decision made a vacancy existed on the board, or on the ground of any defect in the appointment or nomination of any member of the board.

(10) Each of the present members of the Betting Control Board at the passing of the Lottery and Gaming Act Amendment Act (No. 2), 1938, who is not immediately after the said passing appointed as chairman or member of the board as constituted by this section shall be paid as compensation for loss of office such sum as the Governor in each case thinks fit.

Remuneration of board.
1285, 1917, s. 25d.
2135, 1933, s. 4.

35. (1) The board may pay to the chairman and members such salaries or fees as are approved by the Governor.

(2) The board may also pay to the chairman and any other member of the board any travelling or other expenses reasonably incurred by him in carrying out his duties under this Part.

Officers of board.
1285, 1917, s. 25e.
2135, 1933, s. 4.

36. The board may appoint officers, servants, or agents necessary for carrying this Part into effect and may prescribe their duties and fix their remuneration.

Exemption of board from stamp duties.
Inserted by 2417, 1938, s. 10.

36a. Notwithstanding the provisions of any law relating to stamp duties, no stamp duty shall be payable upon any receipt given or cheque drawn by the board.

Power of board to make rules as to bookmakers.
1285, 1917, s. 25f.
2135, 1933, s. 4.
Cf. U.K. 24 & 25 Geo. 5 c. 58, ss. 6, 9.

37. (1) The board may make rules as to all or any of the following matters:—

(*a*) the licensing of bookmakers, bookmakers' clerks, and bookmakers' agents and the number and classes of licences to be issued:

(*b*) the terms and conditions upon which licences may be obtained, and which are to be observed by the holders of licences:

(*c*) the conduct of bookmakers and their clerks and agents:

(*d*) the regulation and control of betting by and with bookmakers:

(*e*) requiring licensed bookmakers to give security for the due observance of this Part and the rules, and of the terms and conditions of their licences:

(*f*) the registration of premises upon which licensed bookmakers may bet and the terms and conditions of registration and the duration, suspension, and cancellation thereof:

(*g*) the suspension and cancellation of licences:

Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 16.

(*h*) requiring bookmakers to keep accounts and records and to make the same available for the board's inspection from time to time and furnish to the board weekly, annual or other returns of their transactions, and prescribing the form of and all matters relevant to such accounts, records, and returns:

Amended by 2417, 1938, s. 11 (a).

(*i*) prohibiting or restricting advertising by bookmakers:

(*j*) the general administration of this Part:

(*k*) imposing fines recoverable summarily for breach of any rule:

(*l*) the issue, renewal and transfer of bookmakers' licences:

Paras. (l) and (m) inserted by 2417, 1938, s. 11 (b).

(*m*) appeals to the board under this Act and the procedure thereon.

38. (1) Every application for a licence shall be made to and determined by the board. The board shall have an unfettered discretion to grant or refuse any application without assigning any reason.

Applications and effect of licences. 1285, 1917, s. 25g 2135, 1933, s. 4. 2159, 1934, s. 5.

(2) On every application for a bookmaker's licence there shall be paid to the board a fee of one pound and on every application for a clerk's or agent's licence a fee of ten shillings. The fee shall be retained by the board and applied towards its general expenditure.

Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 7.

(3) A bookmaker's licence shall entitle the holder thereof to carry on the business of a bookmaker for the period between the day whereon it was granted and the next succeeding thirty-first day of July subject to this Part upon any racecourse or trotting ground or at any coursing meeting for which he holds a permit, or in any premises registered under this Part, but not otherwise.

Amended by 2417, 1938, s. 12.

(4) A clerk's licence shall entitle the holder to act as a clerk of a bookmaker for one year from its date.

(5) An agent's licence shall entitle the holder to act as agent of a bookmaker within the area specified therein for one year from its date.

(6) No licence shall be granted to any person who holds any licence for the sale of liquor under the Licensing Act, 1932, or who is employed in any capacity by any such licensee, nor to any person whose usual place of abode throughout the whole of the period of twelve months immediately before his application for a licence is made was not within the State.

Permits to bet on racecourses.
1285, 1917, s. 25h.
2135, 1933, s. 4.
2150, 1934, s. 6.
Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 11.

39. (1) A licence shall not authorize a bookmaker to carry on business as such on any racecourse or trotting ground unless he has first obtained a permit from the committee of the club controlling the racecourse or trotting ground for the time being.

(2) A licence shall not authorize a bookmaker to carry on business as such at any coursing meeting unless he has first obtained a permit for that coursing meeting from the committee of the National Coursing Association of South Australia. No such permit shall be issued in respect of any coursing meeting unless the board consents to the issue of permits for that coursing meeting, and permits shall not be issued authorizing bookmakers to carry on business at more than sixty-five meetings in any year, nor at more than fifteen enclosed coursing meetings in any year, nor at more than fifty open coursing meetings in any year.

(3) Any such committee may grant permits to licensed bookmakers subject to any conditions which it thinks fit.

Payment of commission on bets and returns.
1285, 1917, s. 25j.
2135, 1933, s. 4.
Cf. U.K. 16 & 17 Geo. 5 c. 22, Part II.
Subsec. (1) substituted by 2417, 1938, s. 13.

40. (1) Every bookmaker shall, not later than noon on Saturday in every week, pay to the board—

(*a*) a sum by way of commission equal to one pound per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of—

(i.) every bet made by him during the previous week on any racecourse in respect of any horse race whether held within or outside the State; and

(ii.) every bet made by him during the previous week in respect of any trotting or coursing event;

(*b*) a sum by way of commission equal to two pounds per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of every bet made by him during the previous week in any registered premises in respect of any horse race whether held within or outside the State.

(2) If any bookmaker makes default in paying any commission required by this section to be paid by him, the board, in addition to any other powers conferred upon it by the rules, may recover the amount payable from the bookmaker upon complaint in a court of summary jurisdiction, or by action in any court of competent jurisdiction.

(3) Every bookmaker shall not later than noon on Saturday in every week forward to the board a return in the prescribed form and verified by statutory declaration—

(*a*) setting forth a true and complete account of all moneys paid or payable to him contingently or otherwise in respect of all bets made by him during the previous week;

(*b*) showing the races on which the bets were made, and the dates on which those races were held, and the name of the racing club promoting or controlling each such race;

(*c*) showing the coursing events on which bets were made, and the dates on which those coursing events were held;

(*d*) setting forth separately the bets made on racecourses or at coursing meetings, and the bets made elsewhere; and

(*e*) containing any other matter prescribed by the rules.

(4) Where a bet is made upon the contingency of more races or coursing events than one it shall be deemed for the purpose of the return to relate only to the first of such races or coursing events.

(5) It shall not be necessary to include in any return—

(*a*) any bet made in relation to a race or coursing event which is abandoned or any bet which is declared off; or

(*b*) the name of any person with whom any bet was made.

Application of commission.
Substituted by 2417, 1938, s. 14.

41. (1) The board shall keep full and true accounts of all moneys received by it as commission under section 40, and shall pay all moneys into an account in a bank in the name of the board.

(2) The commission shall be applied as follows:—

(*a*) The costs of the administration of this Part (to the extent that they are not paid out of fees payable on application for licences) shall be paid:

(*b*) An amount equal to the commission on all bets made on races held outside the State shall be paid to the Treasurer in aid of the general revenue:

(*c*) Thirty-five per centum of the commission on all bets made in registered premises on horse races held within the State (less such costs of administration as are provided to be paid by paragraph (*a*) of this subsection) shall be paid to the Treasurer in aid of the general revenue:

(*d*) Sixty-five per centum of the commission on all bets made in registered premises on horse races held within the State shall be divided among the racing clubs in proportion to the amounts of the bets made on horse races conducted by each club during the period in respect of which the commission is payable:

(*e*) The commission on all bets made on any racecourse on horse races held within the State shall be divided among the racing clubs in proportion to the amounts of the bets made on horse races conducted by each club during the period in respect of which the commission is payable:

(*f*) The commission on all bets made on trotting races shall be divided amongst the trotting clubs in proportion to the amounts of the bets made on trotting races held by each club during the period in respect of which the commission is payable:

(*g*) The commission on all bets made on coursing events shall be divided among the coursing clubs in proportion to the amounts of the bets made on coursing events held by each club during the period in respect of which the commission is payable.

(3) Payments under this section to the Treasurer and the racing clubs, trotting clubs, and coursing clubs shall be made monthly.

Registration of premises. 1285, 1917, s. 251. 2135, 1933, s. 4. 2188, 1934, s. 4.

42. (1) The board may in accordance with the rules register any premises as premises in which betting may be carried on by any licensed bookmaker in accordance with this Part and his licence.

(2) No registration shall be effective until the board has published a notice thereof in the *Gazette*.

(3) Upon and after the publication of the notice it shall be lawful for any licensed bookmaker to carry on the business of bookmaking in such building or premises in accordance with this Part so long as the registration remains in force.

(4) If the board registers under this section any premises occupied by a club registered under the Licensing Act, 1932, and if that club has in each of the ten years prior to the registration of its premises by the board held a licence to use the totalizator at race meetings conducted by it, the fact that those premises are registered by the board and that betting takes place thereon in accordance with this Part, shall not be a ground of objection to the grant or renewal of the registration of the club under the Licensing Act, 1932, nor shall any betting carried on in the club premises in accordance with this Part, be a ground on which any person shall be convicted of any offence.

(5) If the board is satisfied that any provision of this Part as to registered premises or any term or condition of registration has not been observed, the board may as an administrative act cancel the registration of the premises by notice in the *Gazette*, and thereupon the registration shall cease to have effect.

(6) If a race meeting is held at a racecourse which is more than twenty-five miles from the General Post Office at Adelaide and any part of which is within ten miles in a direct line from any registered premises, and bookmakers are permitted to carry on business at such race meeting, no person shall, after one o'clock on the day on which the race meeting is held—

(*a*) carry on business as a bookmaker at those premises; or

(*b*) keep those premises open to the public.

Penalty—One hundred pounds.

Inserted by 2417, 1938, s. 15.

(7) On any day on which a race meeting is being held at Victoria Park Racecourse, Morphettville Racecourse or Cheltenham Park Racecourse no licensed bookmaker or any employee or agent of any licensed bookmaker shall, in any premises registered under this Part which are situate within

a radius of twenty miles from the General Post Office, Adelaide, exhibit or otherwise make known, prior to the commencement of any horse race held at any race meeting, whether within or outside the State, any information relating to betting odds in any such race other than the contents of one reading of betting odds supplied to him by a press agency authorized by the board to supply such reading.

Penalty—Fifty pounds.

This subsection shall not apply to any race meeting held at any of the said racecourses where at the request of the racing club holding the race meeting, the board otherwise directs.

Unlawful betting.

Inserted by 2417, 1938, s. 16.

42a. (1) Any person who—

(*a*) carries on business as a bookmaker; or

(*b*) bets with a bookmaker on the result of any horse racing, trotting, or coursing event,

at any time, or at any place, except in accordance with this Part, shall be guilty of an offence.

Penalty—For a first offence, one hundred pounds. For a subsequent offence, imprisonment for not more than three months.

(2) For the purposes of this section "bookmaker" includes any person who acts as a bookmaker whether he holds a licence or not.

Betting tickets.

1285, 1917, s. 25m. 2135, 1933, s. 4.

43. (1) Every bookmaker upon making a bet with any person shall issue and deliver to that person a betting ticket in respect of each bet made with that person.

(2) If the bookmaker and the bettor are in each other's presence when the bet is made the ticket shall be delivered to the bettor forthwith.

If the bet is made by post or other indirect communication the bookmaker shall deliver the ticket or post it to the bettor within twenty-four hours after receiving the communication.

(3) If any bookmaker—

(*a*) fails to issue and deliver any ticket as required by this section; or

(*b*) issues or delivers to any person in respect of any bet a betting ticket previously used in respect of any other bet,

he shall be guilty of an offence.

Penalty—For a first offence, fifty pounds. For a subsequent offence, imprisonment for not more than three months.

(4) No person shall bet with a bookmaker without obtaining or demanding from such bookmaker a betting ticket in respect of every bet so made.

Penalty—Five pounds.

(5) No person with intent to evade any of the provisions of this Part, when making a bet with a bookmaker shall fail to obtain from such bookmaker a betting ticket in respect of such bet.

Penalty—For a first offence, a fine of twenty-five pounds. For any subsequent offence, a fine of fifty pounds.

Stamp duty on betting tickets.

1285, 1917, s. 25n
2135, 1933, s. 4.
2188, 1934, s. 5.

Subsec. (1) substituted by 2417, 1938, s. 17.

44. (1) There shall be charged on every betting ticket issued by a bookmaker under this Part a stamp duty of one halfpenny.

(2) All moneys received by the Treasurer by way of stamp duty under this Part shall be paid into and form part of the general revenue of the State.

(3) The Governor may by regulation prescribe any matters necessary or convenient for securing payment of duty under this section and preventing fraud and evasion, and may by any regulation prescribe penalties not exceeding twenty pounds, for breach of any regulation.

(4) If any bookmaker issues or delivers any betting ticket which is not stamped as required by this section he shall be guilty of an offence.

Penalty—For a first offence, fifty pounds. For a subsequent offence, imprisonment for six months.

Tax upon winning bets made in registered premises.

Inserted by 2417, 1938, s. 18.

44a. (1) Subject as hereinafter provided, there shall be charged upon every payment to any person made by a licensed bookmaker in respect of any bet made with him by such person in any premises registered under this Part a tax equal to threepence in the pound of the amount of the payment: Provided that this subsection shall not apply—

(*a*) where the payment to be made in respect of the bet is less than five shillings; or

(*b*) to any refund of a bet which is refunded in accordance with any rule made by the board; or

(*c*) to any payment in respect of a bet made by a licensed bookmaker with any licensed bookmaker under any scheme or arrangement authorized by the rules of the board for the laying-off of bets by bookmakers.

(2) If any bet is made upon credit by a licensed bookmaker in any licensed premises and any payment is made by the bookmaker in respect of that bet, the payment shall, for the purposes of estimating the tax payable under this section, be deemed to be the amount of the winnings plus the amount of the bet.

(3) If any bet is made by a licensed bookmaker in any licensed premises and the bookmaker, instead of making a payment in respect of the bet, sets off the amount which would otherwise be payable against any amount owing to the bookmaker or credits such amount to any person, the amount which otherwise would be payable (calculated as provided by subsection (2)) shall for the purposes of estimating the tax payable under this section be deemed to be a payment made by the bookmaker at the time of the set-off or credit.

(4) For the purposes of the preceding subsections of this section if any payment or amount deemed to be a payment is less than one pound or any part thereof is less than one pound, the payment or part, as the case may be, shall for the purposes of estimating the tax payable be regarded as one pound.

(5) Every bookmaker shall deduct from every payment upon which tax is payable as provided by this section, the amount of the tax and shall, not later than noon on Saturday in every week, pay to the board a sum equal to the amount of the deduction which during the previous week, he is bound under this section to make.

(6) If any bookmaker—

(*a*) fails to make any such deduction as required by this section; or

(*b*) fails to make any such payment to the board as required by this section,

he shall be guilty of an offence.

Penalty—For a first offence, fifty pounds. For a subsequent offence, imprisonment for six months.

(7) The board shall keep full and true accounts of all moneys received by it pursuant to this section and shall pay all such moneys into an account in the name of the board in a bank.

(8) The moneys received under this section shall be applied as follows:—

(*a*) An amount of eighteen thousand pounds shall in every financial year be distributed as follows—

Fifty per centum thereof shall be divided equally among the South Australian Jockey Club, the Adelaide Racing Club Limited, and the Port Adelaide Racing Club Limited:

Eighteen per centum thereof shall be divided equally between the Gawler Jockey Club Limited, and the Onkaparinga Racing Club:

Three per centum thereof shall be paid to the South Australian Tattersalls Club Incorporated:

Twenty-nine per centum thereof shall be divided equally among the country racing clubs:

(*b*) The balance then remaining shall be paid to the Treasurer in aid of the general revenue.

(9) Payments to the Treasurer and the racing clubs under this section shall be made monthly.

Betting with minors.
1285. 1917, ss. 25o and 25oa.
2135, 1933, s. 4.
2188, 1934, s. 6.
Cf. U.K., 24 & 25 Geo. 5 c. 58, s. 15.

45. (1) No bookmaker shall bet with any person under the age of twenty-one years.

Penalty—For a first offence, five pounds. For a subsequent offence, twenty pounds.

(2) It shall be a defence to any charge under subsection (1) of this section if the defendant satisfies the court that he had reasonable grounds for believing the person with whom any bet is made to have been of or over the age of twenty-one years.

(3) If any person under twenty-one years of age is in or upon any premises registered under this Part whilst the premises are open to the public for the purpose of betting, that person shall be guilty of an offence.

Penalty—Ten pounds.

s. 45. MILLER v. TASKER (1936) S.A.S.R. 256. To establish the defence allowed by section 45 (2) the defendant must show that he had an actual belief based on reasonable grounds. Where the defendant had not applied his mind to the age of the infant with whom he bet, held that he had no reasonable ground for believing him to be over 21.

(4) If any person under twenty-one years of age is in or upon any premises registered under this Part whilst the premises are open to the public for the purpose of betting, the person in charge of those premises shall be guilty of an offence unless he shows that he could not, by the exercise of all reasonable precautions, have prevented that person from entering those premises.

Penalty—Ten pounds.

(5) Any member of the police force may remove from any registered premises any person who is on those premises in contravention of this section.

False returns.
1285, 1917, s. 25s.
2135, 1933, s. 4.

46. No bookmaker, with intent to defraud, shall—

(*a*) furnish to the board any return which is false in any material particular:

(*b*) fail to include in any such return any bet or other transaction or particular required to be included:

(*c*) fail to record in accordance with the rules every bet made by him.

Penalty—Fifty pounds, or imprisonment for three months.

Cancellation of licences.
1285, 1917, s. 25q.
2135, 1933, s. 4.
2188, 1934, s. 7.

47. If the holder of any licence is convicted of any offence against this Part, or if the board is satisfied that the holder of any licence has failed to observe any provision of this Part or of the rules or any condition of his licence, it may, as an administrative act, cancel the licence.

Control of trotting races.
1285, 1917, s. 25r.
2135, 1933, s. 4.

48. (1) No trotting race meeting at which bookmakers are permitted to operate shall be held unless a permit in writing authorizing it to be held has been issued by the South Australian Trotting League Incorporated.

(2) The said League may with the consent of the board issue such permits for the holding of trotting race meetings as it thinks fit.

(3) Each permit shall be for one night only as regards a meeting to be held in the metropolitan area and for either one day or one night as regards a meeting to be held outside the metropolitan area.

(4) If any trotting race meeting is held in contravention of this section the person by or on whose behalf the meeting was held, or if the meeting was held by an association, each

member of the committee or other executive body of the association and any person acting at the meeting as steward, starter, or judge shall be guilty of an offence, punishable on summary conviction.

Penalty—Twenty pounds.

(5) For the purpose of this section—

(*a*) an agricultural show shall not be deemed to be a trotting race meeting:

(*b*) "metropolitan area" means the area within a radius of twenty-five miles from the General Post Office at Adelaide.

Unclaimed money. Inserted by 2417, 1938, s. 19.

48a. Where any money which, under this Part or the rules is payable by the board to any person, has been held by the board for twelve months after that person first became entitled thereto, and during that period no claim has been made to that money by the person entitled thereto, the board shall pay that money to the Treasurer in aid of the general revenue of the State.

This section shall apply to money received by the board whether before or after the enactment of this section.

PART V.

PART V.

UNLAWFUL GAMING.

Obtaining money, etc., by cheating. 1285, 1917, s. 26. Cf. U.K. 8 & 9 Vict. c. 109, s. 17.

49. No person shall win from any other person any money or valuable thing by fraud or any other unlawful means—

(*a*) in playing at, or with, cards, dice, tables or other games; or

(*b*) in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play; or

(*c*) in betting on the event of any game, sport, pastime, or exercise.

Penalty—Such fine as the court determines, or imprisonment for two years.

Avoidance of gaming contracts.
1285, 1917, s. 27.
Cf. U.K. 9 Anne c. 19; 5 & 6 Will. 4 c. 41, s. 1; 8 & 9 Vict. c. 109, s. 18; 55 & 56 Vict. c. 9, s. 1.

50. (1) All contracts or agreements whether by parol or in writing by way of gaming or wagering shall be void.

(2) No action shall be brought or maintained in any court to recover any sum of money or valuable thing—

(*a*) alleged to be won upon any bet; or

(*b*) which has been deposited in the hands of any person to abide the event on which any bet has been made:

Provided that this section shall not apply to any subscription or contribution or agreement to subscribe or contribute for or to any plate, prize, or sum of money to be awarded to the winner of any race or lawful game.

Extending provisions to gaming with coin, etc.
1285, 1917, s. 28.

51. Any person who in any public place at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of wagering or gaming—

(*a*) plays at any game or pretended game of chance; or

(*b*) bets by way of wagering or gaming on any game or pretended game of chance,

shall be deemed a rogue and vagabond within the meaning of the Police Act, 1916, and may be so convicted and punished under the provisions of that Act.

Gambling, etc., in public places.
1285, 1917, s. 29

52. No person shall in any public place—

(*a*) exhibit any implements or articles for unlawful gaming, in order to induce or entice any person to engage in any unlawful gaming; or

(*b*) by any fraudulent act or device, cheat any person.

Penalty—Imprisonment for three months, and also at the same time a sentence to repay any money, or restore any property which has been obtained by means of any such offence, and, failing the immediate payment or restoration, imprisonment for a further sixty days.

Betting with infants.
1285, 1917, s. 30.

53. No person shall make or shall offer to make a bet with any person who is under the age of twenty-one years.

Penalty—One hundred pounds, or imprisonment for six months.

s. 50. MIDDLETON v. CAVANETT (1923) S.A.S.R. 255; 9 Austn. Digest 396. A contract to act as agent in making bets is not necessarily illegal. The agent paying bets under such a contract can recover the amount paid from the principal under an implied contract of indemnity.

s. 51. The Police Act, 1916, has been repealed and superseded by the Police Act, 1936-1938.

Betting by infants. 1285, 1917, s. 31.

54. No person under the age of twenty-one years shall make or offer to make a bet with any other person.

Penalty—Twenty pounds.

Receiving money for gaming from infants. 1285, 1917, s. 32.

55. No person shall either directly or indirectly receive from any person under the age of twenty-one years, whether for himself or on behalf of some other person, any money or any valuable thing upon the understanding or agreement, either expressed or implied, that such money or valuable thing shall be placed in or used either directly or indirectly for the purpose of any totalizator or sweepstakes, or betting.

Penalty—One hundred pounds, or imprisonment for six months.

Promoting sweepstakes for reward. 1285, 1917, s. 33.

56. No person shall, for fee, commission, or reward, share, or interest—

(*a*) carry on any sweepstakes; or

(*b*) pay, deposit, or receive any money or valuable thing for or in respect of any such sweepstakes; or

(*c*) give or receive any card, ticket, paper, document, or other thing relating to or in connection with any such sweepstakes.

Penalty—One hundred pounds, or imprisonment for six months.

Soliciting totalizator investments. 1285, 1917, s. 34.

57. No person shall upon any racecourse or in any other public place or street directly or indirectly invite or solicit any other person to give or entrust to him any money or valuable thing for the purpose or intent that such money or thing, or any part thereof respectively, shall be placed or invested in any totalizator (whether such totalizator is lawful or not).

Penalty—Twenty-five pounds, or imprisonment for two months.

Totalizator agents. 1285, 1917, s. 35. **Amended by 2417, 1938, s. 20.**

58. No person shall for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either expressed or implied, for such fee, commission, reward, share, or interest—

(*a*) receive from any other person any money for the purpose of investing the same in any totalizator licensed or otherwise or with a bookmaker; or

s. 58. SUMNER v. SOLOMON (1908) S.A.L.R. 20; 9 Austn. Digest 396. Where the plaintiff employed the defendant to put money on the totalizator for him, and the defendant failed to do so, held that no action lay against the defendant for money had and received or for damages for breach of contract.

(*b*) receive any money upon any such agreement, understanding, or intention that such money shall be so invested.

Penalty—One hundred pounds for a first offence, and for a subsequent offence imprisonment for not more than three months.

Proof of offence.
Inserted by 2417, 1938, s. 21.

58a. In any proceedings for an offence under section 57 or 58 the proof of the receipt by any person of any money for the purpose alleged in the complaint shall be *prima facie* evidence that it was invited or solicited by the recipient, and that it was received by him for fee, commission, reward, share, or interest, as the case may be.

Certain games unlawful.
1285, 1917, s. 36.
1494, 1921, s. 7.
Cf. U.K. 33 Hen. 8, c. 9; 12 Geo. 2 c. 28, s. 2; 13 Geo. 2 c. 19, s. 9.

59. The games, tricks, or devices commonly known as "the purse trick," "the three card trick," "thimble rig," "faro," "banker," "fan tan," "two up," "pitch-and-toss," "hazard," and all other games played in the same way, or of a kindred nature, are hereby declared to be unlawful games.

Betting and inviting to subscribe to a bet or sweepstakes.
1285, 1917, s. 37.
Cf. U.K. 6 Edw. 7 c. 43, s. 1.

60. No person shall—

(*a*) in any public place bet or offer to bet by way of wagering or gaming; or

(*b*) in any public place get up or take part in any sweepstakes; or

(*c*) publish or cause to be published in any public newspaper or by circular, any advertisement inviting the public to subscribe to or take part in any bet or sweepstakes.

Penalty—(1) Not less than two pounds nor more than one hundred pounds.

(2) For a second offence the offender shall be deemed a rogue and vagabond within the meaning of the Police Act, 1916, and as such may be convicted and punished.

---

s. 60. BEE v. JANZEN (1884) 18 S.A.L.R. 39; 9 Austn. Digest 510. Where a number of persons stake money on the result of a game played in a public place and in which they take no part, they are guilty of betting.

WHITTLE v. JENNINGS (1922) S.A.S.R. 394; 9 Austn. Digest 390. To constitute a bet it is essential that each party stands to win or lose.

The Police Act, 1916, has been repealed and superseded by the Police Act, 1936-1938.

Unlawful gaming and playing of unlawful games.
1285, 1917, s. 38.
1494, 1921, s. 8.
Cf. U.K. 12 Geo. 2 c. 28, s. 3; 18 Geo. 2 c. 34, s. 2.

61. (1) No person shall be guilty of unlawful gaming.

Penalty—One hundred pounds.

(2) No person shall play at any unlawful game.

Penalty—One hundred pounds.

(3) No person shall—

(*a*) be present at any unlawful gaming or at the playing of any unlawful game; or

(*b*) be in any place in which any unlawful gaming is taking place, without lawful excuse (the proof of which excuse shall be upon him).

Penalty—Twenty pounds.

Being in public place for betting.
1285, 1917, s. 39.
1447, 1920, s. 7.
1494, 1921, s. 11.
1877, 1928, s. 4.
2135, 1933, s. 5.
Cf. U.K. 24 & 25 Geo. 5 c. 58, ss. 2, 30.

62. (1) No person shall be in or upon any street or public place for the purpose of betting except by means of a totalizator duly licensed under this Act.

Penalty—

For a first offence, imprisonment for not less than one month nor more than three months:

For a second offence, imprisonment for not less than three months nor more than six months:

For a third or any subsequent offence, imprisonment for not less than six months nor more than twelve months.

s. 61. BURCHELL v. STYLES (1906) S.A.L.R. 11; 9 Austn. Digest 447. Held, under Act 812, 1902, section 7, which penalised "a person found in a place used for unlawful gaming, without lawful excuse," that the onus of proving lawful excuse was on the defendant.

s. 62. LAMPARD v. ALLCHURCH (1924) S.A.S.R. 341; 9 Austn. Digest 510. Settling bets is not betting within the meaning of section 62. [But see now section 62 (3).] An offence against section 62 may be committed if the defendant forms the purpose of betting while in a public place, and remains there to give effect to that purpose.

CONNELLY v. ALLCHURCH (1925) S.A.S.R. 7; 9 Austn. Digest 543. Held that memorandum pads (on one of which the defendant was proved to have written), booklets, a settling book, a settling sheet, and a doubles book carried by the defendant on the relevant occasion were admissible in evidence to show the purpose of the defendant.

ALLCHURCH v. BERESFORD (1928) S.A.S.R. 450; 9 Austn. Digest 533. An acquittal of a charge under section 62 will not support a plea of *autrefois acquit* on a complaint under section 90 (3).

THATCHER v. LENTHALL (1933) S.A.S.R. 322; 12 Austn. Digest 635. In fixing the penalty for an offence under section 62 an important matter to be considered is whether the evidence discloses anything in the nature of a regular business of betting, and the size of the business.

KIRK v. MILLER (1936) S.A.S.R. 277. A person negotiates bets if he undertakes to make bets for other persons with a registered bookmaker in a betting shop.

s. 62. (1) LANE v. GILES (1934) S.A.S.R. 311. Held that the evidence did not prove that the appellant was in a public place for the purpose of betting. LAMPARD v. ALLCHURCH (*supra*) approved but distinguished.

(2) Notwithstanding the provisions of the Justices Act, 1921, or any other enactment, no court shall have power—

(*a*) to impose on any person guilty of a second or third or subsequent offence under this section, any sentence lower than the minimum fixed by this section; or

(*b*) to impose a fine in lieu of imprisonment under this section for any such second or third or subsequent offence.

In determining whether any offence is a second, third, or subsequent offence within the meaning of this section, the court shall have regard only to offences committed after the fifth day of December, nineteen hundred and thirty-three.

Cf. U.K. 6 Edw. 7 c. 43, s. 1.

(3) In this section the term "betting" without limiting the meaning thereof includes negotiating bets, receiving or paying money in connection with bets, and settling bets, except the settling of bets made on a racecourse in accordance with Part IV. of this Act and the terms of a licence issued thereunder.

Loitering in street. 1285, 1917, s. 40.

63. No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

Penalty—Twenty pounds, or imprisonment for two months.

Betting information. 1285, 1917, s. 41. 2135, 1933, s. 6.

64. No person shall—

(*a*) print, exhibit, publish, sell, circulate, distribute, give away, or post up; or

(*b*) cause to be printed, exhibited, published, sold, circulated, distributed, given away, or posted up,

---

s. 63. MATTIN v. CURRIE (1927) S.A.S.R. 459; 9 Austn. Digest 521. Held that a person standing stationary in a street cannot be convicted of loitering. (This decision is inconsistent with ROSEY v. REYNOLDS, JOHNS v. BERRY, and JOHNS v. DALTON, *infra*.)

ROSEY v. REYNOLDS (1929) S.A.S.R. 408; 9 Austn. Digest 522. In making a request not to loiter, the constable must specify the place in which the person is to cease loitering. A request not to loiter may be made to a person moving.

JOHNS v. BERRY; JOHNS v. DALTON (1934) S.A.S.R. 111. A person may loiter although he is not moving about. Meaning of "loiter" discussed.

PROVIS v. MEPSTEAD (1935) S.A.S.R. 42. Where the defendant remained in the street for about 20 minutes after being requested by a constable not to loiter there, held that a *prima facie* case of loitering had been made out.

any newspaper or printed card or written document, list or card (whether published, written, or printed in the State or elsewhere), which contains or purports to contain any advertisement or notification by or on behalf of any person, club, or association, as to betting on any intended horse, pony, trotting race or races, coursing event, or other sport or exercise whatever in any part of the Commonwealth, or as to betting odds on any such race or races.

Advertising by tipsters. 1285, 1917, s. 42. Cf. U.K. 37 & 38 Vict. c. 15, s. 3.

65. No person shall print, write, exhibit, publish, sell, circulate, distribute, give away, or post up or cause to be printed, written, exhibited, published, sold, circulated, distributed, given away, or posted up any placard, handbill, card, writing, sign, advertisement, or notification (whether published, printed, or written in the State or elsewhere) whereby—

(*a*) it is made to appear that that person or any other person will if required bet or give information or advice directly or indirectly, as to the probable result of any intended horse race or pony race or trotting race in any part of the Commonwealth, or as to the betting odds on any such race; or

(*b*) any information or advice is given or purported to be given relating to the probable result of any such race or as to the betting thereon, or as to any unlawful game:

Provided that nothing contained in this section shall prohibit the publication in a newspaper by the printer or publisher thereof of a forecast of the probable result of any race, if such publication is not for money or gain.

Oral information as to racing. 1285, 1917, s. 42A. 2135, 1933, s. 7. 2188, 1934, s. 8.

66. (1) Any person who for fee or reward gives any oral information or advice relating or purporting to relate to the probable result of any intended horse race, pony race, trotting race, coursing event, or any other sport or exercise whatever or as to the betting odds thereon, shall be guilty of an offence.

(2) In any proceedings for an offence against this section the allegation in the complaint that any information or advice was given for fee or reward shall be *prima facie* evidence of the facts so alleged.

(3) Nothing in this section shall apply to any information or advice given by or to a bookmaker licensed under this Act.

(4) In this section the expression "give oral information or advice" includes every method of communicating information by spoken words whether directly or through the medium of any apparatus for the reproduction of sound.

Authorized information as to racing.
1285, 1917, s. 42B.
2188, 1934, s. 9.

67. (1) The Betting Control Board may in writing grant to any person a general or limited authority to publish or communicate, in any manner specified by the board, oral or written information or advice, relating to any horse race, pony race, trotting race, or coursing event, or to the betting odds thereon.

(2) Such an authority may contain any conditions imposed by the board and shall be void if any condition thereof is not observed.

(3) No person shall be liable to any proceedings or penalty in consequence only of publishing or communicating information or advice pursuant to an authority under this section.

Prohibition of broadcasting certain betting particulars.
Inserted by 2417, 1938, s. 22.

67a. If any race meeting, trotting meeting, or coursing meeting is held in the State no person shall at any time, prior to or during the time the race meeting, trotting meeting, or coursing meeting is being held, by means of any wireless broadcast, broadcast any information relating to the betting on any horse or dog taking part in any horse race, trotting race, or coursing event to be held or held at such meeting.

Penalty—Fifty pounds.

Betting notices and placards.
1285, 1917, s. 43.
Cf. U.K. 16 & 17 Vict. c. 119, s. 7.

68. No person shall—

(*a*) placard, post up, or exhibit; or

(*b*) permit or suffer to be placarded, posted up, or exhibited; or

(*c*) assist in placarding, posting up, or exhibiting,

in or on or about any land, building, or premises, any information or notice or list, directly or indirectly relating to betting or any unlawful game.

Removal from racecourses of persons suspected of offences.
1285, 1917, s. 44.
1447, 1920, s. 8.
1494, 1921, s. 9.
2135, 1933, s. 8.

69. (1) If any member of the police force has reasonable grounds for suspecting that on any place upon which any horse racing, foot racing, cycle racing, football match, cricket match, or any other sport of a kind usually attended by the public, is then being carried on, or on any other place any person is guilty of, or has on that day been guilty of, unlawful gaming, that member of the police force may, without warrant, arrest that person and remove him from that place.

S. 69. JUNNER v. FARQUHAR AND OTHERS (1909) S.A.L.R. 116; 9 Austn. Digest 525. The expression "reasonable grounds for suspicion" refers to a suspicion which an observation of the plaintiff's conduct on the occasion in question would reasonably cause in the mind of a discreet and fair-minded person.

MORRIS v. ADAMSON (1921) S.A.S.R. 242; 9 Austn. Digest 525. Held, that a strip of land outside a racecourse, and which was referred to as a road, and on which the public stood to buy tickets, but which gave no view of the races, was not a place where racing was carried on.

(2) No person who has been so removed from any such place shall, during the day on which he was so removed, re-enter or be again upon that place, or any place contiguous thereto.

Penalty—Fifty pounds.

(3) No member of the police force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) of this section shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

Power for racing clubs to revoke tickets and remove persons from racecourses. 1285, 1917, s. 44A. 1877, 1928, s. 6.

70. (1) The committee of any racing club, or the secretary or any other official of a racing club when authorized by the committee therof, may do any of the following things, namely:—

(*a*) at any time revoke either verbally or by writing any licence, right, or title which has been granted by or on behalf of the racing club or the committee thereof, whether to a member of the club or any other person, and which authorizes any person to enter, be, or remain upon any racecourse on any one or more occasions when horse races are being run thereon:

(*b*) on any day when horse races are being held by the club, request any person who is upon or in the racecourse where the races are being held to leave the same:

(*c*) use all reasonable and necessary force to eject from the racecourse any person who having been so requested to leave neglects or refuses forthwith to do so.

(2) Any member of the police force, at the request of the committee of any racing club or the secretary or any official of any racing club, shall eject or assist in ejecting from the racecourse any person who having been requested to leave as aforesaid neglects or refuses forthwith to do so.

(3) The committee of a racing club shall not be liable to pay any compensation or damages whatsoever to any person in respect of the revocation of any licence, right, or title under this section, or the ejecting of any person from a racecourse under this section, except the amount of any valuable consideration paid for the licence, right, or title.

(4) Except as mentioned in subsection (3) no member of the police force or other person, acting in good faith in the intended exercise of the powers conferred on him under this section, shall be liable to any proceedings, civil or criminal, in consequence of his having so acted.

(5) No person who has left a racecourse pursuant to a request under this section, or who has been removed from a racecourse under this section, shall, during the day on which he so left or was removed, re-enter or be again upon the racecourse.

Penalty—Fifty pounds.

(6) In this section, without limiting the meaning which the terms herein defined have elsewhere in this Act, the following terms shall have the following meaning, namely:—

"committee" means the committee, executive, or other controlling body or person by whatever name called of a racing club, and includes any member of a committee as so defined:

"racing club" means any association of persons corporate or unincorporate which promotes or carries on horse racing or trotting races:

"racecourse" includes the land and premises on which horse or trotting races are actually run, and all land and premises to which the public have access for the purposes of viewing the races and any other land or premises usually regarded as part of a racecourse or trotting ground.

Power of the police.

1285, 1917, s. 45. 1877, 1928, s. 7. 2135, 1933, s. 9. Cf. U.K. 42 Geo. 3 c. 119, s. 4 (part); 4 Geo. 4 c. 60, s. 59; 8 & 9 Vict. c. 109, ss. 6-7; 16 & 17 Vict. c. 119, ss. 11-12; 24 & 25 Geo. 5 c. 58, s. 27.

71. (1) It shall be lawful for—

(*a*) any special magistrate or two justices of the peace, upon complaint or information upon oath before him or them that there is reason to suspect that unlawful gaming is or is about to be carried on in or upon any place; or

(*b*) the Commissioner of Police, upon receiving a report in writing from any superintendent or inspector of police that he suspects that unlawful gaming is or is about to be carried on in or upon any place,

to give to any member of the police force a warrant in the form of the fourth schedule to this Act, or to the like effect.

(2) A warrant so given shall authorize the member of the police force therein named with such assistance as may be necessary—

(*a*) to enter or re-enter into and upon and search the place therein named at any time and from time to time, and at all times during the day or night, within the space of three clear days from the date of the warrant:

(*b*) to remain in and upon that place during the whole or any part of the three days aforesaid:

(*c*) to use force if necessary in making entry or re-entry, whether by breaking open doors or otherwise:

(*d*) to arrest and bring before a special magistrate or two justices of the peace all persons found therein or thereupon:

(*e*) to seize all dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents or things found therein or thereupon, or upon the said persons which may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected offence:

(*f*) to detain the same until the owner or owners thereof appear before a special magistrate or two justices of the peace to claim the same, and satisfy the magistrate or justices how and for what use or purpose the same were intended.

(3) The special magistrate or justices may confiscate the dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents, and things, or otherwise dispose of them as he or they deem fit, if—

(*a*) the said owner or owners do not appear before the magistrate or justices within four days after the seizure; or

(*b*) if he or they do so appear, and do not show to the satisfaction of the magistrate or two justices after due examination, that the dice, balls, counters, tables, or other instruments of gaming, money, lists, cards, papers, documents or other things, were not in any such house, office, room, or place, or upon the said persons for the purpose of being used in relation to, or in connection with, any matter made unlawful by this Act.

Obstructing constables in the execution of their duty.
1285, 1917, s. 46.
2135, 1933, s. 10.
Cf. U.K. 42 Geo. 3 c. 119, s. 4 (part).

72. No person shall wilfully—

(*a*) prevent any member of the police force or other person acting in his assistance under a warrant under this Act to enter any house, room, or place, from entering the same or part thereof; or

(*b*) obstruct or delay any such member of the police force or person in so entering; or

(*c*) by any bolt, bar, chain, or other contrivance secure any external or internal door of or means of access to any house, room, or place so authorized to be entered; or

(*d*) use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any such member of the police force or person into any such house, room, or place or any part thereof.

Penalty—One hundred pounds, or imprisonment for six months.

Power of police as to premises where unlawful gaming is carried on.
1285, 1917, s. 46A.
2135, 1933, s. 11.

73. (1) Upon receiving a report in writing from any police officer of or above the rank of sub-inspector that he is of opinion that unlawful gaming is or is about to be carried on in any place, the Commissioner of Police may give notice in writing addressed to the occupier of that place, or if the name of the occupier is unknown, then addressed to that particular place, ordering that all doors or other means of entrance on that place or leading to or from that place, both internal and external, shall be opened and kept open so as to admit of the free ingress and egress of any member of the police force authorized in writing by the Commissioner of Police and any persons assisting him during the days and hours stated in the notice. The notice shall be served upon the occupier of the said place, or, if the occupier cannot be found, it shall be deemed a sufficient service if the notice is fastened in a conspicuous place on the outside of any door or other means of entrance to or leading to or from the said place.

(2) After service of the notice the following provisions shall apply:—

(*a*) any member of the police force authorized in writing by the Commissioner of Police and any persons assisting him may enter, re-enter, and remain in or upon the said place or any part thereof or any premises leading thereto during the days and hours

stated in the notice for the purpose of observing the conduct of all persons in or upon the said place:

(*b*) any occupier, or, in the absence of the occupier any other person present upon the said place who refuses or neglects immediately to open or keep open during the days and hours stated in the notice, any door or means of entrance mentioned in the notice, and any person who at any time during the said days and hours closes any such door or means of entrance shall be guilty of an offence.

Penalty—A fine not exceeding one hundred pounds.

(*c*) any member of the police force authorized in writing by the Commissioner of Police and any member of the police force assisting him may use force if necessary in making entry or re-entry, whether by breaking doors or otherwise.

PART VI.

PART VI.

COMMON GAMING-HOUSES.

Common gaming-houses. 1285, 1917, ss. 47 and 48. 1447, 1920, s. 9. Cf. U.K. 8 & 9 Vict. c. 109, s. 2; 16 & 17 Vict. c. 119, s. 2.

74. (1) Any house, office, room, or place—

(*a*) which is used for the playing therein of any unlawful game; or

(*b*) which is used for the purpose of enabling any person or persons to bet with others or with one another, or to pay or receive money or valuable consideration in respect of any bet on events which have not happened, whether made in or at such house, office, room, or place, or elsewhere; or

---

S. 74. NATION v. KROGDAHL (1923) S.A.S.R. 94; 9 Austn. Digest 444. "User" may be established by proof of use on a single occasion. Where the evidence showed that on one occasion a game of hazard was played by a number of men and a number of bets were made, held that the "carrying on" of an unlawful game was proved.

LENTHALL v. MITCHELL (1933) S.A.S.R. 231; 9 Austn. Digest 446. The acts, words and conduct of persons using premises are relevant to show what its character is, regardless of whether there is an occupier in any other sense or not.

(*c*) which is occupied by any company or club having for its object or one of its objects the enabling of shareholders or members thereof to make bets or pay or receive money in respect of bets on events which have not happened, whether so made either amongst themselves or with other persons not necessarily being shareholders or members,

shall be deemed to be a common gaming-house.

(2) A house, office, room, or place where an unlawful game is carried on shall be deemed to be a common gaming-house, notwithstanding that the same is open only for the use of subscribers or of members or shareholders of any particular club or company, and is not open to all persons desirous of using the same.

Occupying common gaming-house. 1285, 1917, s. 48A. 1494, 1921, s. 10.

75. No person shall be the occupier of a common gaming-house.

Penalty—Five hundred pounds, or imprisonment for twelve months.

Allowing use of premises as common gaming-house. 1285, 1917, s. 49.

76. No owner or agent acting on behalf of the owner and no occupier of any house, office, room, or other place shall allow or permit it to be used as a common gaming-house: Provided that an owner or agent who is not an occupier, and who was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent it, shall not be guilty of an offence.

Allowing use of premises as access to a gaming-house. 1285, 1917, s. 50.

77. No owner or agent acting on behalf of the owner, and no occupier of any house, office, room, or place shall allow or permit or suffer it to be used as a means of access to or exit or escape from any house, office, room, or place used as a common gaming-house: Provided that if the owner, agent, or occupier was in ignorance of and had no reasonable grounds to suspect such use, or had taken all reasonable steps to prevent it, he shall not be guilty of an offence.

---

s. 75. BOND v. BERRESFORD (1931) S.A.S.R. 285; 9 Austn. Digest 444. On a charge under section 75, all facts (including the posting of a sentry to give warning of the approach of the police) showing the use of the premises may be proved.

WELLS AND ANOTHER v. NOBLETT (1933) S.A.S.R. 134; 9 Austn. Digest 442. Personal knowledge of the defendant as to the use of the premises on a particular occasion is not a necessary ingredient of an offence against section 75, but there must be some degree of knowledge or connivance on the part of the occupier as to the use of the premises.

JOHNSON v. LENTHALL (1934) S.A.S.R. 13. By reason of the definition of common gaming house in section 74 it is necessary for the prosecutor to prove that the owner or his agent either knows that the premises are used for betting and does not interfere, or purposely abstains from ascertaining whether betting is going on or not.

Power to evict occupier of house used as gaming-house, etc.
1285, 1917, s. 51.

78. (1) Any owner of any house, office, room, or place who has reasonable grounds to suspect that it is used—

(*a*) as a common gaming-house; or

(*b*) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house,

may serve on the tenant or occupier a notice to quit.

(2) The serving of such notice shall, subject to this Act, determine as from the seventh day after the date of service any tenancy under which the occupier holds as if the tenancy had expired by effluxion of time. The owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

(3) The notice shall be served personally on the occupier, but if he cannot be found service may be effected by posting a copy of the notice on some conspicuous part of the said house, office, room, or place.

(4) Upon proof, to the satisfaction of the Registrar-General, that such a notice has been served on the tenant or occupier in manner aforesaid, he shall, at the expiry of seven days from the date of service, cause a memorial of the service and of the date thereof to be entered in respect of land under the provisions of The Real Property Act, 1886, in the Register Book of Titles kept pursuant to that Act, and in respect of land not under the provisions of that Act in the General Registry Office of Deeds for the said State.

Cancellation of notice to quit.
1285, 1917, s. 52.

79. (1) Any such notice to quit may at any time be cancelled as from the date of such notice and relief be granted by the Supreme Court subject to such terms as the Court thinks fit on application being made to the Court by the occupier and on proof that he has not at any time used or allowed or permitted or suffered the house, office, room, or place to be used—

(*a*) as a common gaming-house; or

(*b*) as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house.

(2) Notice of intention to make such application shall be served on the owner at least seventy-two hours before the hearing of the application, and on being so served shall operate until the determination of the application as a stay of any proceedings under the last preceding section to evict the occupier.

Declaration that house a common gaming-house.
1285, 1917, s. 53.

80. (1) On the affidavit of a commissioner, inspector, or sub-inspector of police, showing reasonable grounds for suspecting that any house, office, room, or other place is used in contravention of this Act, a judge of the Supreme Court may declare such house, office, room, or place to be a common gaming-house.

(2) Every such declaration shall be in force until rescinded.

Rescission of declaration.
1285, 1917, s. 54.

81. (1) Any such declaration may be rescinded by a judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him—

(*a*) by the owner, tenant, or occupier of the house, office, room, or place the subject of the declaration, on proof that he has not at any time allowed the house, office, room, or place to be used in contravention of this Act; or

(*b*) by a commissioner, inspector, or sub-inspector of police, on proof that the house, office, room, or place is not used in contravention of this Act.

(2) Where the application is made by the owner, tenant, or occupier as aforesaid, notice in writing of intention to make the same shall be served on a commissioner, inspector, or sub-inspector of police two days at least before the hearing of the application.

Publication of notice of declaration and rescission.
1285, 1917, s. 55.

82. (1) Notice of any such declaration, and of any rescission of the same, shall be published in the *Gazette*.

(2) In any proceedings under this Act the production of a copy of the *Gazette* containing such notice shall be evidence that the declaration or rescission therein notified was duly made.

Notice given of declaration.
1285, 1917, s. 56.

83. (1) The Commissioner, or a superintendent, inspector, or sub-inspector of police, on such declaration being made with respect to any house, office, room, or place—

(*a*) shall cause to be published on two days in a newspaper circulating in the neighbourhood of the house, office, room, or place, a notice of the making of the declaration:

(*b*) shall cause such notice to be served on the owner and occupier of the house, office, room, or place. The service shall be personal, except when it cannot be promptly effected, in which case the notice may be

served on the owner, tenant, and occupier aforesaid, by causing a copy thereof to be affixed at or near to the entrance to the house, office, room, or place.

(2) In any proceedings under this Act the production of a copy of a newspaper containing any such notice shall be evidence that that notice was duly published in that newspaper on the date appearing thereon.

Persons found in house declared a common gaming-house. 1285, 1917, s. 57.

84. If after publication, in pursuance of paragraph (*a*) of the last preceding section, of notice of the making of a declaration with respect to a house, office, room, or place, and during the time that the declaration is in force, any person is found in or on or entering or leaving—

(*a*) that house, office, room, or place; or

(*b*) any land or building used as a means of access to, or of exit or escape from the same,

any member of the police force may, without warrant, arrest that person and take him before a court. That person, unless he proves that he was in, or on, or entering, or leaving as aforesaid, for a lawful purpose shall be liable to a penalty of fifty pounds, or to imprisonment for three months.

Penalty on owner of house used in contravention of Act. 1285, 1917, s. 58.

85. If after service on an owner, in pursuance of paragraph (*b*) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that house, office, room, or place is used in contravention of this Act, the owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a penalty of not less than thirty and not more than one hundred pounds.

Penalty on occupier. 1285, 1917, s. 59.

86. If after service on an occupier, in pursuance of paragraph (*b*) of section 83 of notice of the making of a declaration with respect to a house, office, room, or place, and while the declaration is in force, that house, office, room, or place is used in contravention of this Act, the said occupier shall be liable to a penalty not less than thirty and not exceeding three hundred pounds, unless he proves that he has taken reasonable steps to prevent such use.

Entry by police. 1285, 1917, s. 60.

87. While any such declaration is in force with respect to any house, office, room, or place, any member of the police force may, without warrant—

(*a*) enter the said house, office, room, or place:

(*b*) enter any land or building which he has reasonable grounds to suspect is used as a means of access to or of exit or escape from the same:

(*c*) pass through, from, over, and along any other land or building for the purpose of entering in pursuance of paragraph (*a*) or paragraph (*b*) aforesaid:

(*d*) for any of the purposes aforesaid, break open doors, windows, and partitions, and do such other acts as are necessary:

(*e*) seize any instruments of gaming and any instruments of betting and documents relating to betting, and any money and securities for money in any such house, office, room, or place.

Obstructing the police.
1285, 1917, s. 61.
Amended by 2417, 1938, s. 23.

88. No person shall—

(*a*) obstruct;

(*b*) aid in obstructing; or

(*c*) solicit any other person to obstruct or aid in obstructing,

a member of the police force in the exercise of any power conferred on him by this Act.

Penalty—For a first offence seventy-five pounds, and for a second or subsequent offence imprisonment for not more than six months.

Certain offences.
Inserted by 2417, 1938, s. 24.

88a. Any person who is in or near to any place whether a public place or not for the purpose of giving any warning to any person of the presence or approach of any member of the police force or for the purpose of preventing the detection of any offence against this Act shall be guilty of an offence.

Penalty—For a first offence, seventy-five pounds, and for a second or subsequent offence imprisonment for not more than six months.

Evidence of house being a gaming-house.
1285, 1917, s. 62.
Cf. U.K. 17 & 18 Vict. c. 38, s. 2.

89. If—

(*a*) any member of the police force or other person acting in his assistance authorized under this Act to enter any house, room, office or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof; or

S. 89. JOHNS v. MILBURN (1934) S.A.S.R. 317. Where the police were delayed in entering a house, but gave no notice to the occupier that they were armed with a warrant, held that such delay did not establish a *prima facie* case on complaints for being the occupier of a house used for unlawful gaming, and for being the occupier of a common gaming house.

(*b*) any external or internal door of or means of access to any such house, office, room, or place so authorized to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any member of the police force authorized as aforesaid, or any person acting in his assistance, or for the purpose of giving an alarm in case of such entry; or

(*c*) any such house, office, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming,

it shall be evidence, until the contrary is made to appear, that such house, office, room, or place, is used as a common gaming-house, and that the persons found therein were playing an unlawful game therein.

Keeping house for purpose of gaming.

1285, 1917, s. 63 (part). Cf. U.K. 18 Geo. 2 c. 34, s. 1; 8 & 9 Vict. c. 109, s. 4; 16 & 17 Vict. c. 119, s. 1; 17 & 18 Vict. c. 38, s. 4.

90. (1) No house, office, room, or place shall be opened, kept, or used for the purpose of—

(*a*) unlawful gaming:

(*b*) the occupier betting with persons resorting thereto:

(*c*) any money or valuable thing being received by or on behalf of the occupier as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter

Cf. U.K. 16 & 17 Vict. c. 119, s. 4.

s. 90. ALLCHURCH *v.* BERESFORD (1928) S.A.S.R. 450; 9 Austn. Digest 533. An acquittal under section 62 will not support a plea of *autrefois acquit* on a complaint under section 90 (3).

BOND v. JENNINGS (1930) S.A.S.R. 103; 9 Austn. Digest 480. Held that a "tipping" competition organized by proprietors of a newspaper, was an undertaking to pay money on an event relating to a horse race.

LENTHALL v. MITCHELL (1933) S.A.S.R. 231; 9 Austn. Digest 446. A place used for unlawful gaming includes a common gaming house. The acts, words and conduct of persons using premises are relevant to show what its character is regardless of whether there is an occupier in any other sense or not.

WADE v. TROTTER (1934) S.A.S.R. 62. Held that a fine of £100 or in default imprisonment for 12 months was an excessive penalty where it was not shown that the defendant had any interest in the betting being carried on in his hotel.

BOND v. FORAN (1934) 53 C.L.R. 364; affirming FORAN v. BOND (1934) S.A.S.R. 323; 9 Austn. Digest 485. To prove an offence against section 90 (3) it is necessary to prove *mens rea* in the sense that the occupier of the premises or the person to whom the management of the premises was committed, knew or connived at the use to which the premises were put. In order that the premises may be "used" within the meaning of section 90 (3), it must be shown that the person carrying on the illegal business has so acted as to establish the premises as his business site.

any money or any valuable thing on any event or contingency of or relating to any race, fight, game, sport, or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency.

(2) Every house, office, room, or place opened, kept, or used for any of the purposes aforesaid is hereby declared to be a common nuisance and unlawful.

(3) No person shall be the occupier of any such house, office, room, or place kept or used for any of the purposes aforesaid.

Penalty—Five hundred pounds, or imprisonment for twelve months.

Inserted by 2417, 1938, s. 25.

(4) It shall not be necessary to prove that the occupier knew that the premises were kept or used for any of the purposes aforesaid, but such person shall not be convicted if he proves that he did not know and could not by the exercise of all reasonable diligence have known that the premises were being so kept or used.

Advancing money for the purpose of gaming. 1285, 1917, s. 63 (part).

91. No person shall advance or furnish money for the purpose of gaming with persons frequenting any such house, room, or place.

Penalty—Five hundred pounds, or imprisonment for twelve months.

Receiving money for betting. 1285, 1917, s. 64.

92. (1) No occupier of any house, office, room, or place used for any of the purposes mentioned in section 90 shall receive, directly or indirectly, any money or valuable thing as a deposit on any bet on the happening of any event or contingency of or relating to any race, fight, game, sport, or exercise, or as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any such event or contingency.

Penalty—Fifty pounds, or imprisonment for six months.

(2) No person shall, on the receipt of any money or valuable thing so paid or given as aforesaid, give any acknowledgment, note, security, or draft purporting or intending to entitle any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid.

Penalty—Fifty pounds, or imprisonment for six months.

(3) Any money or valuable thing received by any such person aforesaid as a deposit on any bet, or as or for the consideration for any such assurance, undertaking, promise, or agreement, as aforesaid, shall be deemed to have been received to or for the use of the person from whom it was received, and that money or valuable thing, or the value thereof, may be recovered accordingly, with full costs of suit, in any court of competent jurisdiction.

Exhibiting placards or advertising betting-houses. 1285, 1917, s. 65.

93. (1) No person shall—

(*a*) print, exhibit, or publish, or cause to be printed, exhibited, or published any placard, handbill, card, writing, sign or advertisement from which it appears that any house, office, room, or place is opened, kept, or used for the purpose of making bets on any event or contingency of or relating to any race, fight, game, sport, or exercise, or for the purpose of exhibiting lists for betting, or with intent to induce any person to resort to such house, office, room, or place for the purpose of making such bets:

(*b*) on behalf of the occupier of any such house, office, room, or place invite other persons to resort thereto, for the purpose of making such bets.

Penalty—Thirty pounds, or imprisonment for two months.

Betting advertisements. 1285, 1917, s. 66. Amended by 2417, 1938, s. 26.

94. No person shall print, send, exhibit, publish, or shall cause to be printed, sent, exhibited, or published any letter, circular, telegram, placard, handbill, card, or advertisement or shall make or cause to be made any announcement by means of any wireless broadcast—

(*a*) from which it appears that any person, either in the State or elsewhere, will on application give information or advice for the purpose of or in respect to any bet on any event or contingency of or relating to any race, fight, game, sport, or exercise, or will make on behalf of any other person any such bet:

(*b*) with intent to induce any person to apply to any house, office, room, or place, or to any person with a view to obtaining information or advice for the purpose of any such bet or with respect to any such event or contingency:

(*c*) inviting any person to make or take any share in or in connection with any such bet.

Penalty—Thirty pounds, or imprisonment for two months.

Giving false names or addresses. 1285, 1917, s. 67. Cf. U.K. 17 & 18 Vict. c. 38, s. 3.

95. No person found in any house, room, or place entered by any constable or person assisting him to enter the same, upon being arrested by such constable or person assisting, or upon being brought before any justices, on being required by such constable or person or by such justices to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address.

Penalty—Fifty pounds, or imprisonment for one month.

Entrance and nomination fees exempted. 1285, 1917, s. 68. Cf. U.K. 8 & 9 Vict. c. 109, s. 18 proviso, 16 & 17 Vict. c. 119, s. 6.

96. Nothing in this Act shall extend to the deposit, receipt, subscription, holding or payment of any money or valuable thing as entrance or nomination fees, in respect of any lawful race, game, sport or exercise, or as part of the prize or stakes therefor.

PART VII.

PART VII.

EVIDENCE.

Immunity of police and other authorized persons. 1285, 1917, s. 69, 1447, 1920, s. 10.

97. No member of the police force acting under the orders or instructions of any other member of the police force who is his superior in rank, and no other person acting under the lawful instructions of any member of the police force, shall be deemed to be an accomplice in the commission of any offence against this Act, nor shall the member giving such order or instructions, nor the member or other person who acts in pursuance or attempted pursuance thereof be liable to conviction or punishment for any act or matter done or committed by either of them in relation to or under such order or instructions, although, but for this section, such members or other person or any of them might have been deemed to be such accomplices or accomplice or have been liable to such conviction or punishment.

Incriminating evidence. 1285, 1917, s. 70.

98. (1) No person (other than the defendant) required to be examined as a witness in the hearing of any complaint laid in relation to any offence alleged to have been committed

---

S. 98. R. v. SCOTT; *Ex parte* SCOTT (1927) S.A.S.R. 492; 9 Austn. Digest 545. Explanation of section 98. A person who procures himself to be called or is called as a witness for any sinister or collateral purpose is not "required to be examined" within the meaning of section 98 and, therefore, is not entitled to a certificate.

TROTTER v. BADENOCH (1931) S.A.S.R. 84; 9 Austn. Digest 546. On the trial of a person for aiding and abetting an offence, the principal offender (whose case had been adjourned part heard) was held not to be "the defendant" within the meaning of the exception in subsection (1), and was therefore entitled to the benefit of a certificate granted to him.

BURKE v. CRAFTER (1935) S.A.S.R. 323. A co-defendant is not a compellable witness under section 98. Held, that a co-defendant who gave evidence must be assumed to have been called as witness on his own application.

against this Act, shall be excused from being so examined or from answering any question or questions put to him as such witness on the ground that his evidence or the answer to any such question or questions might tend to incriminate him or render him liable to a prosecution.

(2) Any such person so required to be examined who refuses to make oath accordingly or to answer any question or questions shall be liable to the same penalties and to be dealt with in all respects as any witness may be dealt with for refusing to be sworn or to give evidence. Cf. U.K. 17 & 18 Vict. c. 38, s. 5.

(3) Every such person so required to be examined who upon such examination makes a true and faithful discovery to the best of his knowledge of all matters as to which he is examined shall receive from the court a certificate in writing to that effect, and thereupon, but not otherwise, be freed from all prosecution, penalties, and punishment to which he might have been or become liable in respect of the matters touching which he has been so examined. Cf. U.K. 18 Geo. 2 c. 34, s. 9; 8 & 9 Vict. c. 109, s. 9; 17 & 18 Vict. c. 38, s. 6.

99. The allegations in any complaint laid in respect of any alleged offence or offences against this Act— Allegations to be *prima facie* proof. 1285, 1917, s. 71. 2135, 1933, s. 12.

(*a*) that any person, firm, company, or partnership (as the case may be) named in the complaint is the owner, user, or occupier (as the case may be) of any place, room, or premises mentioned in the complaint:

(*b*) that any horse race, cycle race, or foot race, or coursing event (as the case may be) mentioned in the complaint was run at a place and on a date therein specified, and that any horse or horses, dog or dogs, or person or persons named in the complaint took part in any race or coursing event therein mentioned,

shall be accepted by the court as evidence of the truth of such allegations unless the contrary is proved.

100. Any person, club, firm, company, or partnership using or occupying any place, room, or premises for the purpose of unlawful gaming shall be deemed to be so using or occupying such place for such purpose with the knowledge and consent of the owner and the immediate landlord of such place or premises unless the contrary is proved. Knowledge of owner as to occupancy of premises. 1285, 1917, s. 72.

S. 99. LENTHALL v. MITCHELL (1933) S.A.S.R. 231; 9 Austn. Digest 441. A defendant alleged in a complaint to be the occupier of premises must satisfy the court on the balance of probabilities that he is not such an occupier.

Secondary evidence relating to lotteries. 1285, 1917, s. 73.

101. In every complaint laid in respect of any offence relating to any illegal lottery alleged to have been or to be intended or about to be drawn or conducted elsewhere than in the State, the court may in its discretion receive and act upon such secondary or other evidence as may be adduced for the purpose of proving the existence, drawing, conduct, or intention to draw or conduct such lottery.

Evidence of illegal lottery. 1285, 1917, s. 74.

102. (1) In any proceedings against any person for establishing, commencing, or being a partner in any illegal lottery, or managing, conducting, or assisting to manage or conduct any illegal lottery, or selling or disposing or buying or accepting any ticket or thing purporting to be or usually known as a lottery ticket and relating to an illegal lottery, it shall, in default of or in addition to other evidence, be sufficient in support of the complaint to show that such ticket or thing was bought or accepted by the purchaser or acceptor under the belief by him that the possession and production of such ticket purporting to be a lottery ticket or other thing conveyed a right to the purchaser or any holder thereof to draw for, compete, or have an interest in an illegal lottery.

(2) The sale of a ticket or thing commonly known as a Chinese lottery ticket, whether marked or otherwise, shall be *prima facie* evidence of the existence of a lottery and of an undertaking, agreement, or promise, expressed or implied, to pay a sum of money to the purchaser or holder of such ticket on the happening of a certain event or contingency.

(3) In any proceedings it shall not be necessary to prove that any ticket purporting to be or usually known as a Chinese lottery ticket relates to any particular lottery, or that any lottery has been or will be drawn.

Prima facie evidence of unlawful gaming. 1285, 1917, s. 75. Cf. U.K. 8 & 9 Vict. c. 109, s. 8.

103. Whenever any place is entered under a warrant under the provisions of this Act, the discovery therein or about the person of any of those found therein (under circumstances which, combined with such discovery, raise in the mind of the court a reasonable suspicion that the purpose and provisions of this Act have been contravened) of cards, dice, balls, counters, tables, or other instruments of gaming, or of lists, cards, papers, documents, or things relating to racing or betting, shall be *prima facie* evidence that such place is used for unlawful gaming.

s. 103. JOHNS v. MILBURN (1934) S.A.S.R. 317. Held, on the facts, that a *prima facie* case had not been established by virtue of section 103.

Evidence as to offences. 1285, 1917, s. 76. Cf. U.K., 8 & 9 Vict., c. 109, s. 5.

104. If on the hearing of any complaint for unlawful gaming the court is of opinion that any money or thing which has to its satisfaction been proved to have been given to, or received, or paid by the accused person, or given to, or received, or paid by any person or persons on his behalf, has been given in circumstances which, in the mind of the court, raise a reasonable suspicion that such money or thing was so given, received, or paid in contravention of the purposes and provisions of the Act, or any of them, such giving, receiving, or paying as aforesaid shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

Reasonable suspicion sufficient to set up a *prima facie* case. 1494, 1921, s. 14.

105. (1) If on the hearing of any complaint against any person for unlawful gaming, the evidence for the prosecution is such as to raise in the mind of the special magistrate or justices hearing the complaint a reasonable suspicion that that person is guilty of the offence charged against him in the complaint, that evidence shall be deemed to be *prima facie* evidence that that person is guilty of that offence.

---

s. 105. SANDERSON v. ALLCHURCH (1922) S.A.S.R. 7; 9 Austn. Digest 511. Every offence against the Act is unlawful gaming within the meaning of section 105. Reasonable suspicion means a suspicion which a reasonable man could reasonably entertain on the evidence for the prosecution. On a charge of being in a public place for the purpose of illegal betting the following facts were held sufficient to raise a reasonable suspicion of guilt:—(*a*) The defendant, whilst standing in the front of the grand stand on a racecourse spoke to several men at intervals, made entries in a race book, and when approached by the police threw away the book and several slips of paper; (*b*) the defendant had £60 in notes in his pockets; (*c*) some of the slips had entries thereon requiring explanation.

ALLCHURCH v. DENTON (1922) S.A.S.R. 91. On a charge of being in a public place for the purpose of illegal betting, *semble* a reasonable suspicion may be entertained against a bookmaker's clerk, although his employer has been acquitted on a similar charge relating to the same occasion.

THOMPSON v. ALLCHURCH (1922) S.A.S.R. 217; 9 Austn. Digest 512. "Unlawful gaming" includes every offence against the Lottery and Gaming Act and a complaint may be for unlawful gaming although the words "unlawful gaming" are not used. On a charge of being in a public place for the purpose of betting the following facts were held sufficient to raise a reasonable suspicion of guilt:—(*a*) The acts of the defendant in a public place prior to his being spoken to by the police, which acts were such as would be done by a man making a bet, though capable of an innocent interpretation; (*b*) the conduct of the defendant after arrest, which was incapable of an innocent interpretation.

NATION v. KROGDAHL (1923) S.A.S.R. 94; 9 Austn. Digest 444. On a charge of being the occupier of a common gaming house the following facts were held sufficient to raise a reasonable suspicion of guilt:—(*a*) That on one occasion a game of hazard was being played on the premises by a number of persons and that a considerable number of bets were made; (*b*) that the defendant was the occupier of the premises; (*c*) that he was familiarly addressed by some of the players; (*d*) that on the arrival of the police the lights were turned down, a warning cry was given, and the players dispersed.

HOLMES v. ALLCHURCH (1926) S.A.S.R. 255; 8 Austn. Digest 470. Held that where the evidence for the prosecution raised a reasonable suspicion of guilt, but the mind of the special magistrate may have been influenced by evidence wrongly received, the conviction should be quashed.

LAMPARD v. WEST (1926) S.A.S.R. 293; 9 Austn. Digest 536. Reasonable suspicion in the mind of the court leads inevitably to a conviction in absence of evidence for the defence if the reasonable suspicion is established on facts proved beyond

(2) The provisions of this section shall not limit the effect of any provisions of section 104 of this Act, and the provisions of that section shall not limit the effect of any provision of this section.

Certain allegations *prima facie* evidence.
1285, 1917, s. 77.

106. The allegation in any complaint under section 114 of this Act that—

(*a*) any person is the secretary of the company named in that complaint; or

(*b*) any person is the manager of that company; or

(*c*) any person is a director of that company; or

(*d*) the premises named are or have been in the occupation or under the control of that company,

shall be *prima facie* evidence of the facts alleged.

---

s. 105. (*contd.*) reasonable doubt. Discussion of onus imposed on defendant by establishment of reasonable suspicion.

McLEAN v. DAWKINS (1930) S.A.S.R. 94; 9 Austn. Digest 541; reversing DAWKINS v. McLEAN (1930) S.A.S.R. 7; 9 Austn. Digest 537. On a charge of being on licensed premises for the purpose of illegal betting acts of the defendant consistent with making a bet, coupled with the absence of a denial or explanation of suspicious circumstances were held sufficient to create a reasonable suspicion. Where magistrates hold a *prima facie* case exists by reason of section 105, they should say so.

LENTHALL v. POWELL (1930) S.A.S.R. 185; 8 Austn. Digest 163, 468; 9 Austn. Digest 536, 546; affirmed by POWELL v. LENTHALL 44 C.L.R. 470; 4 A.L.J. 311; 9 Austn. Digest 542. Where the evidence on a charge for an offence against the Lottery and Gaming Act satisfies the judicial conscience that it is right to suspect the accused person, the court is bound to entertain the suspicion and hold that a *prima facie* case is made out.

POWELL v. LENTHALL (1930) 44 C.L.R. 470; 4 A.L.J. 311; 9 Austn. Digest 542; affirming LENTHALL v. POWELL (1930) S.A.S.R. 185; 9 Austn. Digest 536, which reversed LENTHALL v. POWELL (1930) S.A.S.R. 13; 9 Austn. Digest 536. The Supreme Court on appeal may examine the whole adjudication of the magistrate under section 105 including both the question whether he had a suspicion and whether he ought to have had one.

HINTON v. TROTTER (1931) S.A.S.R. 123; 5 Austn. Digest 716; 9 Austn. Digest 539. A *prima facie* case established by reasonable suspicion may be rebutted by disproving the facts on which the suspicion is founded, or by proving facts which make it more likely than not that the defendant is innocent. It is not enough for the defence to disprove particular facts if the suspicion remains as a real suspicion reasonably based on the facts in evidence. Failure to explain suspicious circumstances at the relevant time may support an inference of guilt.

BOND v. BERRESFORD (1931) S.A.S.R. 285; 9 Austn. Digest 444. Where the evidence for the prosecution is equally consistent with guilt and innocence, section 105 does not apply. There must be some evidence which warrants an inference of guilt rather than of innocence.

MOORE v. NOBLET (1932) S.A.S.R. 6. On a charge of unlawful betting in a billiard saloon the following facts were held to justify a reasonable suspicion of guilt:—(*a*) That the defendant was in possession of and attempted to conceal a betting book; (*b*) that he had knowledge of its contents; (*c*) that he refused to give an explanation as to his possession of or interest in the book when questioned by the police; (*d*) that he gave false evidence in the witness box.

BLIGHT AND ANOTHER v. BOND (1932) S.A.S.R. 121; 9 Austn. Digest 544. On a joint charge against two defendants for unlawful betting in an hotel, conduct of the defendants in the hotel consistent with betting, the facts that one of the defendants had a large sum of money of different denominations distributed over a number of pockets, and the other defendant had betting slips in his possession, and both defendants falsely denied any knowledge of the slips, held sufficient to justify a reasonable suspicion.

Proof of age.
1285, 1917, s. 77A.
2135, 1933, s. 13.
Cf. U.K. 6 Edw. 7. c. 43, s. 1 (3); 18 & 19 Geo. 5 c. 41, s. 4 (2).

107. Whenever in any proceedings under this Act it is material to show that any person was at any material time under the age of twenty-one years—

(*a*) the opinion of the court on its own view of such person; or

(*b*) the opinion of a police officer who has seen such person,

that such person was at the material time under the age of twenty-one years shall be *prima facie* evidence of that fact.

Proof of publication.
1285, 1917, s. 77B.
2135, 1933, s. 13.

108. (1) If the name of any person is printed or published upon any placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document that fact may be accepted by the court as *prima facie* evidence that the said placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document was printed or, according to the nature of the charge, published by such person.

(2) In this section "name" includes any name, or any designation whatever, used or assumed by any person or by which any person is usually known or which is usually applied to any business or business premises of any person.

"Silent" telephone evidence of unlawful gaming.
Inserted by 2417, 1938, s. 27.

108a. If it is proved on the hearing of any complaint for unlawful gaming that on the premises where it is charged that such unlawful gaming has taken place there is installed a telephone instrument the number of which does not appear in the current telephone directory, such proof shall be *prima facie* evidence of the truth of such charge.

PART VIII.

PART VIII.

PROCEDURE AND MISCELLANEOUS.

Proceedings for offences.
1285, 1917, s. 78.

109. (1) All proceedings under this Act shall be disposed of summarily.

(2) Penalties for any offence under this Act shall be recovered summarily.

General penalty for offences.
1285, 1917, s. 79.
Cf. U.K. 24 & 25 Geo. 5 c. 58, s. 30.

110. Unless otherwise specified in this Act, every person who commits any offence against this Act, shall be liable to a penalty not exceeding fifty pounds, or to imprisonment for not longer than three months.

More than one offence may be charged in complaint.
1285, 1917, s. 80.

111. In any complaint laid in respect of any alleged offence or offences against this Act any number of offences to the number of not more than three may be charged against the defendant and evidence given in support thereof; and the court may convict the defendant of any one of those offences which to the satisfaction of the court has been proved, and may inflict such penalty therefor as is by law provided.

Power to amend.
1285, 1917, s. 81.

112. (1) It shall be held sufficient in any complaint under this Act if the complaint gives the accused a reasonably clear and intelligible statement of the offence with which he is charged.

(2) No conviction or warrant of commitment shall be held void, invalid, or quashed for any defect in substance or in form.

(3) The court shall amend every complaint which, in its opinion, is defective or ought to be amended upon such terms as to costs, adjournment, or otherwise as the court thinks fit.

(4) Any special magistrate may amend any conviction or warrant of commitment at any time after it has been signed and before it has been executed.

Discretion of Registrar of Companies.
1285, 1917, s. 82.

113. The Registrar of Companies shall not be required to register any club, association, or persons as a company under any Act relating to companies if, in his opinion, the purposes or objects, or any of them, of such club, association, or persons, are designed, or intended either directly or indirectly, or either wholly or in part, to contravene or evade in any way the provisions and purposes of this Act, or any of them.

Cancellation of registration of companies under certain circumstances.
1285, 1917, s. 83.

114. (1) On complaint being laid on oath before a special magistrate by any police constable stating that the constable has reasonable grounds of suspicion that the premises occupied by or under the control of any company registered under The Companies Act, 1892, or the Companies Act, 1934, are being or have been during their occupation or control by that company used for the purpose of unlawful gaming, the

s. 111. ALLCHURCH v. TASKER (1922) S.A.S.R. 336; 9 Austn. Digest 532. If more than one offence is proved the court has a discretion to convict of such offence as it thinks fit, and may hear the parties as to how its discretion should be exercised.

special magistrate may issue his summons to the manager, secretary, or directors of the company, or any of them, requiring him or them or any of them to appear before him, the said magistrate, at the place and time mentioned in the summons, to answer the matter of the complaint and to show cause why the registration of the company should not be cancelled.

(2) If the party or parties so summoned do not appear, or if upon the hearing of the complaint the party or parties so summoned fail to show to the satisfaction of the special magistrate that the premises in question were not used for the purpose of unlawful gaming, then the special magistrate may, by an order under his hand, declare the registration of the company named in such complaint to be cancelled.

(3) Upon such order being made, and immediately after it has been published in the *Government Gazette,* the company in respect of which the order has been made shall for all purposes of law be deemed to be unregistered.

Entry of shops, factories, and club premises. 1494, 1921, s. 13.

115. (1) Any justice or any officer of the police force of rank not lower than sergeant or any member of the police force authorized in writing by any such officer may demand entrance at any time by day or night into—

(*a*) any premises in respect of which a licence granted under the Licensing Act, 1932, is in force;

(*b*) any shop or any part of a building occupied in connection with or for the purposes of a shop;

(*c*) any factory and the appurtenances of any factory; or

(*d*) any building or place occupied by any club (whether a racing club or not) and the appurtenances thereof.

(2) If admittance is refused or delayed for such time as makes it appear that wilful delay was intended—

(*a*) such justice, officer, or member may break into and employ force to enter such place; and

(*b*) notwithstanding such breaking and entry, the occupier of such place and the person to whom such demand was made shall be guilty of an offence against this Act, and shall be liable to a penalty for the first offence of not less than five pounds and not more than twenty pounds, and for any subsequent offence of not less than ten pounds and not more than thirty pounds.

(3) The authority of a member of the police force, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified places, or may authorize such member to act generally as in the subsection mentioned without limitation as to occasion, locality, or place, or may be limited in any manner deemed proper by the officer giving the authority.

Exemption of certain sweepstakes.
1285, 1917, s. 83A.
2135, 1933, s. 14.
Cf. U.K. 24 & 25 Geo. 5 c. 58, ss. 23, 24.

116. Nothing in this Act shall apply to any sweepstake held upon a racecourse, or any place not being a public place, if—

(*a*) the total contributions do not exceed five pounds;

(*b*) no person contributes more than five shillings;

(*c*) the promoter does not promote, and the individual subscribers do not contribute to, more than one sweepstake on any one race; and

(*d*) the total sum contributed is paid to the winner without any deduction.

Half penalties to be paid to informer.
1285, 1917, s. 84.

117. One half part of every sum which shall be imposed as a penalty under sections 6, 7, 8, 49, 51, 52, 72, 90, 91, 92, 93, 94, and 95 of this Act shall be paid to the person on whose complaint the conviction has been obtained, unless the complaint was laid by or on behalf of a public officer.

Construction of Act.
Inserted by 2417, 1938, s. 28.

118. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS REPEALED.

Number and Year of Act.	Title.	Extent of Repeal.
1285 of 1917 ..	Lottery and Gaming Act, 1917	The whole.
1382 of 1919 ..	Lottery and Gaming Act Amendment Act, 1919	The whole.
1447 of 1920 ..	Lottery and Gaming Act Amendment Act, 1920	The whole.
1494 of 1921 ..	Lottery and Gaming Act Amendment Act, 1921	The whole.
1877 of 1928 ..	Lottery and Gaming Act Amendment Act, 1928	The whole except section 9.
1986 of 1930 ..	Lottery and Gaming Act, 1930	The whole.
2135 of 1933 ..	Lottery and Gaming and Licensing Acts Amendment Act, 1933	Part I.
2159 of 1934 ..	Lottery and Gaming Act Amendment Act, 1934	The whole.
2188 of 1934 ..	Lottery and Gaming Acts Amendment Act, 1934	The whole.
2245 of 1935 ..	Lottery and Gaming Acts Amendment Act, 1935	The whole.

THE SECOND SCHEDULE.

RULES AND REGULATIONS AS TO THE TOTALIZATOR.

Made in Executive Council, 26th May, 1937: *Government Gazette* 27th May, 1937, p. 1207.

Licences to Use the Totalizator.

1. The Commissioner of Police may, subject to the provisions of the Lottery and Gaming Act, 1936, and to the rules and regulations made thereunder, grant a licence for the use on any racecourse or trotting grounds of the totalizator. The totalizator, when used in accordance with such licence, and every office, room, or place upon the racecourse or trotting grounds used for the purpose of the totalizator, and every placard, advertisement, letter or circular referring to the same, shall be exempt from the provisions of the Police Act, 1936, the Lottery and Gaming Act, 1936, and every other Act, prohibiting gaming and wagering.

Conditions to which Licences Subject.

2. Any reference, in the conditions set out in regulation 3, to a club, unless the context or subject matter requires a different construction, includes a reference to—

(*a*) the chairman, the secretary, and every member of the committee or executive body of such club; and

(*b*) every person employed by such club.

3. Every licence for the use of the totalizator hereafter granted shall be subject to the following conditions, namely:—

1. The club shall not permit or suffer any person to follow the occupation of a totalizator agent, or any similar occupation, or to carry on or engage in any unlawful gaming, on the racecourse or on any grounds used in connection with any race or trotting meeting at which the use of the totalizator is licensed.

II. The club shall cause to be removed from the racecourse and such grounds every person on such racecourse or grounds carrying on or attempting to carry on any such occupation, or receiving, or offering as a totalizator agent, or in any similar manner, to receive money for investment in or in connection with the totalizator, whether gratuitously or otherwise, or carrying on or engaging in any unlawful gaming, and shall exclude such person from such racecourse and grounds throughout the remainder of the meeting.

III. The provisions of paragraphs I. and II. hereof do not apply to the servants of the club within the totalizator receiving money from the public for investment in the totalizator in accordance with the provisions of the Lottery and Gaming Act, 1936.

IV. No investment shall be received in any totalizator in respect of any race after such race has actually started.

V. In all totalizators, except automatic totalizators, no person shall interfere with any totalizator ticket box or container except for the purpose of reading the numbers of the totalizator tickets in such tin or container, and the tickets therein shall be left facing the public for five minutes or such less time after the start of a race as the police supervisor may direct.

VI. No person shall sell any totalizator ticket, or pay any dividend on any totalizator ticket to any person inside the totalizator building.

VII. The club shall cause a set of books to be accurately kept showing—

(*a*) the names of all horses starting in each race and the names of all non-starting horses in respect of which any investment has been made:

(*b*) the amount invested in the totalizator on each horse in each race:

(*c*) the total amount invested in the totalizator on each race:

(*d*) the amount of stamp duty payable to the Commissioner of Stamps in respect of the amount invested on each race:

(*e*) the amount of commission retained by the club, and how it is expended:

(*f*) the amount of dividends declared on the first horse and the total amount payable to investors thereon:

(*g*) the amount of dividends declared on the second horse and the total amount payable to investors thereon:

(*h*) the amount of dividends declared on the third horse and the total amount payable to investors thereon:

(*i*) the amount of dividends on each race unclaimed by the persons entitled to receive the same on the day of the race meeting:

(*j*) the amount of dividends on each race unclaimed for a period of two months after they become payable to the persons entitled to receive the same; the dividends on the first, second, and third horses to be shown separately:

(*k*) the amount of fractions held by the club in respect of each race.

VIII. The club shall during any race meeting permit any member of the police force, or any other person authorized in writing for the purpose by the Commissioner of Police, to enter all enclosures and buildings upon the racecourse or trotting ground, and shall, on demand by such member or any such authorized person, produce to him any document, book, form, return, or record, or tickets relating to the working of the totalizator.

IX. All books of account, vouchers, paid dividend tickets, documents, forms, returns, working sheets, or records of the club shall, on demand by the Commissioner of Police, or any member of the police force, or other person authorized by him in that behalf, be submitted by the club to any person nominated by the Commissioner of Police for audit and examination.

X. The club shall cause to be delivered on demand to any member of the police force or other person authorized by the Commissioner of Police a carbon copy of the original readings of the totalizator taken after each race, showing the amount invested on each horse and the total amount invested on the race.

XI. Prior to the beginning of each race or trotting meeting the club shall, on demand, cause to be delivered to any member of the police force or other person authorized by the Commissioner of Police in that behalf, a statutory declaration, made and declared by the chairman and secretary of the club, setting forth the number and amount of each denomination of totalizator tickets printed or prepared for issuing in respect of each horse entered to be run at such race or trotting meeting for each race in which such horse is so entered.

XII. Forthwith after the result of each race run at a race or trotting meeting is declared by the judge, the club shall, on demand by any member of the police force or other person authorized by the Commissioner of Police in that behalf, cause all tickets prepared or printed for issuing to persons investing in the totalizator on each horse in such race in respect of which a dividend is, or is to be, declared, and also on all non-starting horses in respect of which any investment has been made, which are unissued, to be placed in a packet, and such packet to be securely fastened up and sealed by the officer in charge of such totalizator, and be delivered to such member of the police force.

XIII. Forthwith after the expiration of two months from the date of the holding of each race or trotting meeting, the club shall cause every totalizator ticket issued at such race or trotting meeting upon which a dividend has been paid, or in case of a non-starting horse, upon which any money has been refunded, to be delivered to the Commissioner of Police or any member of the police force authorized by the Commissioner of Police in that behalf.

XIV. Subdivisions XII. and XIII. shall apply only to clubs whose permanent office for the transaction of the business of the club is situated more than 10 miles in a direct line from the General Post Office at Adelaide.

XV. No totalizator dividend shall be paid to any person unless the totalizator ticket representing the number of a horse upon which a dividend is declared is produced to the paying out officials at the totalizator on the day of race or trotting meeting or to the secretary of the racing or trotting club concerned within two months of the date of the race or trotting meeting being held.

XVI. The club shall cause to be erected to the satisfaction of the Commissioner of Police a barrier in front of every window used in connection with the totalizator for supplying tickets or change, or for paying dividends. Such barrier shall be so constructed as to provide separate places of entry and exit.

XVII. The club shall cause every totalizator used by such club to be provided with separate windows for use exclusively by women: Provided that this condition shall not apply on any racecourse which is situate more than twenty miles in a direct line from the General Post Office, Adelaide, and in respect of which the Commissioner of Police has certified that in his opinion this condition is unnecessary: Provided further that any such certificate with respect to any racecourse or trotting grounds may at any time be revoked by the Commissioner of Police, whereupon this condition shall again apply on such racecourse or trotting grounds.

XVIII. On any default by any club in the observance of any of the above conditions in any respect, the licence shall be revocable by the Commissioner of Police, or by the chief officer of police on the racecourse or grounds, either immediately upon such default or at any time within 14 days thereafter.

Form of Licence and Fees.

4. Every licence shall be in the following form, or as near thereto as circumstances permit, and shall be granted to the committee or executive body of the club, or one or more members of such committee or executive body, on application by or on behalf of such club or the committee thereof, but only for the racecourse or trotting ground and the days named in such licence.

Form of Licence.

By virtue of the Lottery and Gaming Act, 1936, and subject thereto, and to all rules and regulations made thereunder, these are to licence Mr....., being the chairman of, and the other members of the committee or executive body of the.....club called the....., to use the totalizator on the.....at....., during the .....day of.....the.....day of..... the.....day of.....the..... day of.....the.....day of..... the.....day of.....the..... day of.....or upon such other day or days in place of any of the said days as the Chief Secretary may, from time to time, in writing upon this licence, approve. This licence shall be in force from the..... day of.....19..., to the succeeding 31st day of December (both days inclusive).

Given under my hand the.....day of....., 19....

Commissioner of Police.

5. Every club applying for a licence shall, on such application, pay to the Commissioner of Police a licence fee of one pound one shilling for every day for which such licence is applied for; and if the licence is not granted for as many days as are applied for, the Commissioner of Police shall return the said licence fee, or a proportional part thereof, as the case may be; or if any race or trotting meeting is subsequently abandoned the Commissioner of Police shall return the licence fee in respect of such day.

6. On application by any person, and on payment of a sum not exceeding one shilling for every folio of 72 words, the Commissioner of Police shall furnish two copies, certified under his hand as such, of any licence granted, and of any account deposited under the Lottery and Gaming Act, 1936, or under these rules and regulations.

Control of Queues.

7. (1) Persons approaching any window of a totalizator shall form up in a queue in single file extending away from such window.

(2) When any such queue has been formed, no person shall approach the window to which such queue leads except as a member of such queue.

8. No person shall—

(*a*) push into any such queue, or join the same except at the rear end thereof;

(*b*) take precedence of any person who from his position has a prior right in any queue;

(*c*) stand or walk between any queues so formed, or within four yards of either of the outside queues;

(*d*) pass money or a ticket to any person in any queue.

9. Every person shall at all times observe and comply with any reasonable directions given by any member of the police force as to—

(*a*) the manner of approaching to or departing from any totalizator;

(*b*) the conduct of such person in the vicinity of any totalizator.

Penalties.

10. Any person who contravenes any provision of regulation 7, 8, or 9 hereof, whether by omission or commission, shall be liable to a penalty not exceeding ten pounds for every breach of such provision.

THE THIRD SCHEDULE.

FORM OF APPLICATION FOR LICENCE.

To Esq., Commissioner of Police.

I, the undersigned, being the
of the Racing Club, called , do hereby apply on behalf of such club for a licence under the Lottery and Gaming Act, 1936, for the said club to use the totalizator on the racecourse situate at during the year upon the days hereunder specified.

[*Here specify dates.*]

Dated the day of

THE FOURTH SCHEDULE.

SEARCH WARRANT.

South [Royal Arms] Australia.

(To wit.)

To

Whereas it appears to me (*or* us) [*a Special Magistrate, the Commissioner of Police, or two Justices of the Peace*], acting in and for the State of South Australia, that there is reason to suspect that unlawful gaming is being or is about to be carried on in or upon a certain place, to wit. This is therefore to authorize and require you, with such assistance as may be necessary, to enter and re-enter into and upon and search such place at any time, and from time to time and at all times during day or night, within the space of three clear days from the date of this warrant, and to remain in and upon such place during the whole or any part of the three days aforesaid, and if necessary to use force in making such entry or any re-entry, whether by breaking open doors or otherwise, and to arrest and bring before a Special Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon, and to seize all dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things found upon such persons, or in or upon such place, as may be reasonably supposed to have been used or designed for use in connection with or in relation to any such suspected offence, and to detain any such dice, balls, counters, tables, or other instruments of gaming, moneys, lists, cards, papers, documents, or things so found, to be dealt with according to law: And for so doing this shall be your warrant.

Given under my hand at in South Australia, this day of

The Road Traffic Act, 1934-1950, including all amendments passed to the end of 1950 and notes of judicial decisions, is reprinted in the Annual Volume, 1950, at page 279.

ROAD TRAFFIC ACT, 1934-1938.

BEING

ROAD TRAFFIC ACT, 1934, No. 2183 OF 1934 [ASSENTED TO 29TH NOVEMBER, 1934.]

AS AMENDED BY

ROAD TRAFFIC ACT AMENDMENT ACT, 1936, No. 2332 OF 1936 [ASSENTED TO 3RD DECEMBER, 1936.]

AND

ROAD TRAFFIC ACT AMENDMENT ACT, 1938, No. 2416 OF 1938 [ASSENTED TO 15TH DECEMBER, 1938.]

An Act to consolidate certain Acts relating to road traffic.

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

PART I.

PART I.

PRELIMINARY MATTERS.

Short title, commencement, and division of Act.

1. (1) This Act may be cited as the "Road Traffic Act, 1934-1938," and shall come into operation on a day to be fixed by proclamation.

(2) This Act is divided into Parts and Divisions as follows:—

PART I.—Preliminary matters.

PART II.—Motor vehicles.

---

s. 1. (1) **Commencement of Acts:**—
Commencement of the Road Traffic Act, 1934 (except section 110): 2nd January, 1935; *Gazette* 20th December, 1934, p. 1217.
Commencement of section 110 of the Road Traffic Act, 1934: 1st March, 1935; *Gazette* 20th December, 1934, p. 1217.
Commencement of the Road Traffic Act Amendment Act, 1936 (except sections 153 and 154): 1st April, 1937; *Gazette* 18th March, 1937, p. 585.
Commencement of section 153 of the Road Traffic Act Amendment Act, 1936: 3rd December, 1936; *Gazette* 3rd December, 1936, p. 1193.
Commencement of section 154 of the Road Traffic Act Amendment Act, 1936: 1st December, 1937; *Gazette* 18th November, 1937, p. 1345.

s. 1. (2) In addition to the Parts mentioned in subsection (2), Part IIA. (insurance against third party risks arising out of the use of motor vehicles), Part VI. (general rules to be observed by traffic), and Part VII. (protection of roads), which were enacted by the Road Traffic Act Amendment Act, 1936, are included in this reprint.

PART III.—Vehicles other than motor vehicles.

PART IV.—Width of tires.

PART V.—Lights on vehicles other than motor vehicles.

2. The Acts mentioned in the schedule are repealed. Repeal.

3. (1) The Governor may by proclamation commit the administration of any Part of this Act to any Minister, and may from time to time revoke or alter any such proclamation. Administration of Act.

(2) In this Act the term "Minister" means the Minister for the time being administering the Part of this Act in which the term Minister occurs.

PART II.

PART II.

MOTOR VEHICLES.

4. (1) In this Part, unless inconsistent with the context, or some other meaning is clearly intended— Interpretation. 1480, 1921, s. 4. 1695, 1925, ss. 3, 15. 1941, 1929, s. 4. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 1.

"commercial motor vehicle" means any motor vehicle wholly or mainly adapted for the carriage of goods, and includes a motor vehicle of the type commonly called "buckboard":

"court" means the special magistrate or justices before whom a complaint for an offence against this Act is heard:

"driver" means any person driving a motor vehicle or a motor cycle, and as regards a trailer means a person driving the motor vehicle by which the trailer is being drawn:

"licence" means licence under this Part:

"motor vehicle" includes any motor car, motor carriage, automobile, motor cycle, or other vehicle or carriage driven or propelled, or ordinarily capable of being driven or propelled, either partly or wholly, by any volatile spirit, steam, or electricity, or by means other than animal power, and includes a trailer at any time attached to a motor vehicle; but does not include any vehicle run upon a railway or tramway, or any farm tractor which is not used on a public road: Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 2.

"number" includes a number combined with one or more letters of the alphabet:

"owner" includes the holder under a hire purchase agreement:

"registrar" means the Registrar of Motor Vehicles appointed under this Act or the Acts hereby repealed:

"road" includes every public road, street, terrace, thoroughfare, or other public place, and every private road or street commonly used by the public, or to which the public are permitted to have access:

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 2 (3).

"trailer" means any vehicle without motive power constructed and adapted for being drawn by a motor vehicle: Provided that a vehicle without motive power constructed and adapted for being drawn by a motor vehicle shall not be deemed a trailer, but shall be deemed part of the motor vehicle by which it is drawn if—

(*a*) it has two wheels only;

(*b*) it is constructed for attachment to a motor vehicle by means of a turntable and kingpin; and

(*c*) a substantial part of its weight and of the weight of its load rests upon the motor vehicle by which it is drawn.

(2) For the purpose of this Part the person driving any motor vehicle to which a trailer is attached shall be deemed to be the driver of the trailer and the trailer shall be deemed to be driven by that person.

Registrar and inspectors of motor vehicles. 1480, 1921, s. 5. 1760, 1926, s. 3.

5. (1) The Governor may, for the purposes of this Part, appoint a Registrar of Motor Vehicles, and such deputy registrars of motor vehicles and inspectors of motor vehicles as he considers necessary.

(2) Every inspector appointed under this Part shall have the same powers, functions, and duties as are conferred by this Part upon members of the police force.

(3) Every reference in this Part to a member of the police force shall be deemed to include a reference to such an inspector, and every reference in this Part to the registrar shall be deemed to include a reference to any deputy registrar appointed under this Part.

Registrar to keep register of motor vehicles.
1480, 1921, s. 6.
2095, 1932, s. 3.

6. (1) The registrar shall keep a register for the registration of motor vehicles. Such register shall be called the "Register of Motor Vehicles."

(2) The prescribed forms of application received by the registrar from the persons applying to register motor vehicles shall be bound or otherwise assembled by the registrar and arranged in order as the registrar determines, and shall constitute the Register of Motor Vehicles within the meaning of this Part: Provided that the regulations may provide that the register shall be constituted and kept in any other way.

Duty to register.
1480, 1921, s. 7.
1941, 1929, s. 5.
2095, 1932, s. 4.

7. (1) No person shall drive any motor vehicle on any road unless that vehicle has been registered under this Part and the registration thereof is for the time being in force: Provided that this subsection shall not apply if the motor vehicle is driven on a road in the circumstances mentioned in section 27, and has thereon trader's plates as required by that section: Provided further that this subsection shall not apply if the motor vehicle is driven on any road whilst carrying persons or fire-fighting appliances to or from any fire.

Proviso added by 2416, 1938, s. 3.

(2) Any person who drives a motor vehicle in contravention of this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) If any person other than the owner drives a motor vehicle in contravention of this section, the owner thereof shall also be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds. It shall be a defence to a charge under this subsection that the motor vehicle was so driven without the knowledge or against the instructions of the owner.

(4) Whenever any person, whether the owner of the motor vehicle or not, is convicted for an offence under this section the court may, in addition to imposing a penalty, summarily order that person to pay to the registrar the amount payable under this Part for registration for a full year of the motor vehicle in respect of which the offence was committed.

(5) A motor tractor shall not be deemed to be driven on any road so as to require registration under this Part by reason only of the fact—

(*a*) that it is driven on any road for the purpose of carrying out any contract made with a municipal or district council for scarifying, grading, and/or rolling any roads or streets:

(*b*) that it is driven on any road for the purpose of drawing farm implements or machinery from one farm to another.

Permits to use certain tractors and other vehicles without registration.

Inserted by 2416, 1938, s. 4.

7a. (1) The registrar may at his discretion without fee grant to any primary producer who owns a tractor or unregistered motor vehicle a permit to drive that tractor or motor vehicle along any route specified in the permit for the purpose only of enabling the tractor or motor vehicle to be used in connection with the working of two or more separate parcels of land worked in conjunction with each other by that primary producer. Any such permit shall be subject to such conditions as the registrar thinks proper. The registrar shall not grant a permit for a tractor under this section, unless the tractor is equipped with pneumatic tyres or other tyres which, in the registrar's opinion, will not cause undue damage to roads.

(2) Any such tractor or motor vehicle may be driven in accordance with the terms of a permit granted under this section without registration.

(3) If any tractor or motor vehicle for which a permit is in force under this section is driven on any road otherwise than in accordance with the terms and conditions of the permit the person driving the tractor or motor vehicle shall be guilty of an offence and liable to a penalty not exceeding twenty-five pounds.

Provisions as to registration.

1480, 1921, s. 8. 1941, 1929, s. 5.

8. (1) Every application to register a motor vehicle shall be made to the registrar by or on behalf of the owner of the motor vehicle in accordance with the regulations, and at the time of making the application for registration a fee calculated in the manner set forth in the next succeeding section shall be paid to the registrar.

Amended by 2332, 1936, s. 4.

(2) Upon application duly made and payment of the fee as required by subsection (1) the registrar shall register the motor vehicle in the register of motor vehicles for a period of either six months or twelve months, at the option of the person applying for registration, and shall assign a number to the vehicle.

(3) If a motor vehicle registered under this section has been previously registered by the same owner the registrar shall, if the owner requests, assign to the motor vehicle on registration under this section the number assigned to the vehicle on the previous registration: Provided that the registrar may refuse so to assign the latter number if more

than three months have elapsed between the expiration of the previous registration and the new application for registration.

(4) The plates bearing any registration number assigned under this section shall be black and the number thereon shall be white.

(5) The registrar shall, on payment of the prescribed fee, furnish the owner of any registered motor vehicle with a copy of the entries in the register relating to that motor vehicle.

Refusal to register unfit vehicles.

Inserted by 2332, 1936, s. 8.

8a. If a court has ordered that a vehicle shall not be registered until some condition is complied with, the registrar shall not register that vehicle until he is satisfied that that condition has been complied with.

Statements in application as to insurance.

Inserted by 2332, 1936, s. 8.

8b. After the day proclaimed as the day on which Part IIA. of this Act shall come into operation, the registrar shall not register any vehicle unless the application contains a statement by the owner of the vehicle or by the person applying for registration on behalf of the owner that a policy of insurance complying with this Act is in force in relation to the vehicle and a statement of the name of the insurer who has issued the policy.

Certificates of insurance.

Inserted by 2416, 1938, s. 5.

8c. After the thirty-first day of March, nineteen hundred and thirty-nine, the registrar shall not register any motor vehicle unless, when the application for registration is made, there is produced to him a certificate given by or on behalf of an approved insurer, certifying that a policy of insurance has been issued by that insurer in relation to the motor vehicle, and that the policy complies with Part IIA. of this Act, and will unless lawfully cancelled remain in operation throughout the period for which registration is applied for.

Mode of computing registration fee.

1480, 1921, s. 8K. 1941, 1929, s. 5, and The Schedule. 2095, 1932, ss. 17-20. Cf. U.K. 23 & 24 Geo. 5 c. 19, s. 25, 7th Sch.

9. The registration fee for a motor vehicle shall be calculated according to the following provisions:—

(1) (*a*) The power-weight (indicated in this section by the letters P.W.) of a motor vehicle shall be ascertained by adding the weight in hundredweights of the vehicle to the horsepower calculated as hereinafter mentioned.

(*b*) The horsepower of a motor vehicle propelled by any volatile spirit shall be determined by squaring the measurement in inches of the internal diameter of the cylinder of the engine and multiplying the number so found by the number of cylinders and dividing the product by 2.5.

The horsepower of a motor vehicle driven by steam shall be calculated by dividing the number of the square inches of area of the fire grate of the boiler of such vehicle by 25.

The horsepower of a vehicle driven by electricity shall be ascertained by dividing the number of watts of electrical energy consumed by the power unit of the vehicle when the vehicle is running under full load at normal speed by 746.

(*c*) The weight of a vehicle in hundredweights and the horsepower of a vehicle shall be calculated to the nearest whole number.

(2) The registration fee for a motor bicycle shall be as follows:—

	£	*s.*	*d.*
If the bicycle has not a side-car attached thereto	1	10	0
If the bicycle has a side-car attached thereto	2	0	0

(3) The registration fee for a motor tricycle or motor trivan shall be as follows:—

	£	*s.*	*d.*
If the tricycle or trivan does not exceed 10 P.W.	2	0	0
If the tricycle or trivan does exceed 10 P.W.	4	0	0

(4) The registration fee for a motor vehicle (other than a motor bicycle, motor tricycle, trailer, or motor trivan) fitted with pneumatic tires shall be:—

	£	*s.*	*d.*
If the vehicle does not exceed 25 P.W.	4	0	0
If the vehicle exceeds 25 P.W. but does not exceed 30 P.W.	5	0	0
If the vehicle exceeds 30 P.W. but does not exceed 35 P.W.	6	0	0
If the vehicle exceeds 35 P.W. but does not exceed 40 P.W.	7	0	0
If the vehicle exceeds 40 P.W. but does not exceed 45 P.W.	8	0	0
If the vehicle exceeds 45 P.W. but does not exceed 50 P.W.	9	0	0
If the vehicle exceeds 50 P.W. but does not exceed 55 P.W.	10	0	0
If the vehicle exceeds 55 P.W. but does not exceed 60 P.W.	11	0	0
If the vehicle exceeds 60 P.W. but does not exceed 65 P.W.	12	0	0
If the vehicle exceeds 65 P.W. but does not exceed 70 P.W.	13	0	0

	£	s.	d.
If the vehicle exceeds 70 P.W. but does not exceed 75 P.W.	14	0	0
If the vehicle exceeds 75 P.W. but does not exceed 80 P.W.	15	0	0
If the vehicle exceeds 80 P.W. but does not exceed 85 P.W.	17	0	0
If the vehicle exceeds 85 P.W. but does not exceed 90 P.W.	18	0	0
If the vehicle exceeds 90 P.W. but does not exceed 95 P.W.	19	0	0
If the vehicle exceeds 95 P.W. but does not exceed 100 P.W.	20	0	0
If the vehicle exceeds 100 P.W. but does not exceed 110 P.W.	23	0	0
If the vehicle exceeds 110 P.W. but does not exceed 120 P.W.	26	0	0
If the vehicle exceeds 120 P.W. but does not exceed 130 P.W.	29	0	0
If the vehicle exceeds 130 P.W. but does not exceed 140 P.W.	32	0	0
If the vehicle exceeds 140 P.W. but does not exceed 150 P.W.	35	0	0
If the vehicle exceeds 150 P.W. but does not exceed 160 P.W.	38	0	0
For every additional P.W.	0	5	0

If the motor vehicle has all or any of its wheels fitted with rubber tires other than pneumatic tires the fee shall be at such one of the above rates as is applicable, plus 50 per cent. thereof.

If the motor vehicle has all or any of its wheels fitted with metal tires the fee shall be at such one of the above rates as is applicable, plus 100 per cent. thereof.

(5) The registration fee for a trailer fitted with pneumatic tires shall be:—

	£	s.	d.
If the weight of the trailer unladen does not exceed 1 ton	1	10	0
If the weight of the trailer unladen exceeds 1 ton, but does not exceed 1½ tons	2	0	0
If the weight of the trailer unladen exceeds 1½ tons, but does not exceed 2 tons	2	10	0
If the weight of the trailer unladen exceeds 2 tons	3	0	0

If the trailer has all or any of its wheels fitted with rubber tires other than pneumatic tires, the fee shall be at such one of the above rates as is applicable, plus 50 per cent. thereof.

If the trailer has all or any of its wheels fitted with metal tires, the fee shall be at such one of the above rates as is applicable, plus 100 per cent. thereof.

Amended by 2332, 1936, s. 5.

(6) The fees previously set out in this section are those payable for a full period of twelve months. If any registration is effected for a period of six months the fee for registration shall be the percentage hereinafter mentioned of that which would be payable for the full period of twelve months.

The percentage referred to in this subsection shall be as follows:—

(*a*) If registration is effected during the period of twelve months after the commencement of the Road Traffic Act Amendment Act, 1936, fifty-five per centum:

(*b*) If registration is effected within the period of twelve months commencing after the expiration of the period mentioned in paragraph (*a*), fifty-three and three-quarters per centum:

(*c*) If registration is effected at any time after the expiration of the period mentioned in paragraph (*b*), fifty-two and one-half per centum.

Amended by 2332, 1936, s. 6.

Cf. U.K. 26 Geo. 5 & 1 Edw. 8 c. 34, s. 12.

(7) If the registrar is satisfied by statutory declaration or such other evidence as he requires that—

(*a*) any commercial motor vehicle is owned by a primary producer; and

(*b*) such motor vehicle will not be used on roads for carrying His Majesty's mails, goods, or passengers, for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer,

the registration fee shall be the amount which would otherwise be payable under this section, less 50 per cent. thereof.

Passage inserted by 2416, 1938, s. 6.

The carriage of goods or passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, if those goods or passengers are carried in connection with military training or other military operations carried on by the Commonwealth, shall not be regarded as the carriage of goods or passengers within the meaning of subparagraph (*b*) of this paragraph.

(8) If the registrar is satisfied by the production of a certificate from the Director of Mines or such other evidence as he requires, that—

(*a*) any commercial motor vehicle is owned by a genuine prospector whose principal business consists in prospecting for metals or minerals; and

(*b*) such motor vehicle will not be used on roads except for carrying plant, tools, stores, or other equipment used in connection with such prospecting, or metals or minerals won by the said owner from the soil,

the registration fee shall be fifty per centum of the amount which would otherwise be payable under this section.

(9) If the registrar is satisfied by the production of a certificate from the Chief Inspector of Fisheries or such other evidence as he requires that—

(*a*) any commercial motor vehicle is owned by a person who is engaged in fishing as his sole means of livelihood; and

(*b*) that such motor vehicle will not be used on roads or streets except for carrying fish, or equipment used in connection with the occupation of fishing,

the registration fee shall be fifty per centum of the amount which would otherwise be payable under this section.

(10) If the registrar is satisfied by statutory declaration or such other evidence as he requires that— Cf. U.K. 26 Geo. 5 & 1 Edw. 8 c. 34, s. 12.

(*a*) any motor tractor is owned by a primary producer; and

(*b*) such motor tractor will not be used on roads except for transporting goods the produce of the land of such primary producer to the railway station nearest to such land, or if there is a port nearer to such land than any railway station, then to such port, or to the nearest town not being a town where there is a railway station or port,

the registration fee for such motor tractor shall be twenty-five per centum of the amount which would otherwise be payable under this section.

Inserted by 2332, 1936, s. 7.

(10*a*) If the registrar is satisfied by statutory declaration or such other evidence as he requires—

(*a*) that any motor vehicle will, during the period for which registration is applied for, be used wholly or mainly in areas which are not within any municipality or district council district;

(*b*) that during the said period that motor vehicle will be in the possession and under the control of a person whose place of abode at the time will not be within any municipality or district council district; and

(*c*) that that motor vehicle, when not in use, will during the said period be usually kept at premises not within any municipality or district council district,

the registration fee shall, if the applicant is not entitled to have the motor vehicle registered at a reduced fee under paragraph (7), (8), (9), or (10) of this section, be the amount which would otherwise be payable under this section, less fifty per centum thereof.

If the registrar is satisfied that at any time during the period for which a vehicle has been registered at a reduced fee by virtue of this paragraph that vehicle did not comply with subparagraph (*a*), (*b*) or (*c*) of this paragraph, he may, by notice in writing, notify the person who applied for registration of the vehicle that the balance of the full fee for that period must be paid. Upon the expiration of seven days after the giving of the notice that balance shall become due and payable and the registrar may recover it by action in any court of competent jurisdiction; and without prejudice to his right to do so may cancel any registration of the vehicle for the time being in force if that balance is not paid in full upon its becoming due and payable. For the purposes of this paragraph the whole of Kangaroo Island shall be taken to be outside any municipality or district council district.

(11) (*a*) If any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph 7 is used for the carriage of goods or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer; or

(*b*) if any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph 8 or 9 is used for any purpose other than a purpose set out in paragraph 8 or 9, as the case may be; or

(*c*) if any motor tractor for the registration of which a reduced registration fee has been paid as allowed by paragraph 10 is used for any purpose other than the purpose mentioned in that paragraph,

the balance of a full year's registration fee shall in all cases be forthwith due and payable, and may be recovered from the owner by the registrar in a summary way on complaint in a court of summary jurisdiction.

(12) If the Commonwealth of Australia imposes any Customs duty on motor spirit in addition to the Customs duty existing on the twelfth day of December nineteen hundred and twenty-nine, and pays the proceeds thereof to the State, the Governor may from time to time by proclamation vary the amounts of the registration fees as set out in this section to such an extent that the total revenue received in each year from the altered registration fees and the payments to the State by the Commonwealth, as mentioned above, would be approximately equal to the amount which would have been received from the registration fees set out in this section if they had not been altered.

(13) The registrar shall register without fee—

(*a*) any motor vehicle owned by the Fire Brigades Board or any voluntary fire brigade or any motor vehicle owned by a voluntary fire-fighting organization and used solely for the purposes of fire-fighting: Amended by 2416, 1938, s. 8 (2).

(*b*) any ambulance motor vehicle for the use of which no charge is made:

(*c*) any commercial motor vehicle owned by the corporation or council of any municipality, or by any district council, and used solely or mainly in connection with the construction or maintenance of roads:

(*d*) any motor vehicle owned by the Crown:

(*e*) any motor vehicle owned by the Municipal Tramways Trust:

(*f*) any motor vehicle consisting of mobile machinery and plant used for the purpose of boring for water:

Inserted by 2416, 1938, s. 7.

(*g*) any motor vehicle owned by a consular officer *de carriere* who is a national of the country which he represents and who resides in the State.

Inserted by 2416, 1938, s. 8 (1).

(13a) Where the Treasurer is satisfied that any motor ambulance is operated by a municipal or district council, or by any society or association otherwise than for the purpose of monetary gain to the individual members thereof, he may, at his discretion, direct that that ambulance shall be registered without fee.

Where any such ambulance has been registered since the first day of March, nineteen hundred and thirty-eight, and the registration fee has been paid therefor the Treasurer may at his discretion refund the amount of that fee to the council, society, or association which paid it.

(14) In this section—

"primary producer" means any person engaged in agricultural, horticultural, viticultural, pastoral, or other like pursuits; and

"weight" means the weight of a vehicle without passengers, load, or petrol, but including the oil, buffers, accessories, and tools usually carried.

Reduced fees for vehicles of British origin.
1480, 1921, s. 8 A, 1941, 1929, s. 5.

10. (1) The Governor may, from time to time, by proclamation, declare that any commercial motor vehicles, or any class of commercial motor vehicles described or referred to in the proclamation shall be commercial motor vehicles of British origin for the purposes of this Part.

(2) The Governor at any time by proclamation may partially or wholly revoke, or may vary any proclamation for the time being in force under this section.

(3) The fees payable under this Act for registration of any motor vehicles which, by any proclamation for the time being in force under this section, are declared to be commercial motor vehicles of British origin, shall be the amount which would otherwise be payable under this Part, less ten per centum thereof.

Refunds in certain cases.
Inserted by 2332, 1936, s. 9.

10a. If during the period for which a motor vehicle has been registered any alteration is made to that vehicle and that alteration is such that if it had been made before the registration of the vehicle the fee for registration would have been less than the amount actually paid, the Treasurer may, at his discretion, make to the owner of the vehicle a refund of such amount as he deems just in the circumstances.

Provision for ascertaining power-weight. 2131, 1933, s. 3.

11. (1) The registrar shall prepare and keep in his office available for public inspection a list containing the usual names or designations of all models of motor cars commonly in use, and stating the standard power-weight of motor cars of each model when constructed and equipped as mentioned in the list.

(2) The power-weight shown in the list as the standard power-weight of motor cars of any model shall be the power-weight of every motor car of that model, unless—

(*a*) the owner at the time of applying for registration, objects to the power-weight as so shown; or

(*b*) the motor car has some attachment or alteration affecting its weight and not taken into account when computing the power-weight shown in the list.

(3) The owner of any motor car who objects to the determination of the power-weight by reference to the list may—

(*a*) weigh the motor car on a public weighbridge in the presence of the registrar or a person nominated by him; and

(*b*) strip his engine or power unit for measure or examination by the registrar or a person nominated by him,

in which case the weight shall be calculated in accordance with the weighbridge certificate, and the horse power in accordance with the measurements of the registrar or the nominated person.

Determination of power-weight by other means. 2131, 1933, s. 4.

12. Where an applicant applies for registration of—

(*a*) any motor car the power-weight of which cannot be ascertained from the list; or

(*b*) any motor vehicle other than a motor car,

the registrar may require the applicant for registration to produce a weighbridge certificate showing the weight of the vehicle or any other evidence of the weight or horsepower of the vehicle.

Duty to carry registered number on motor vehicle. 1480, 1921, ss. 10, 34 (c). 1527, 1922, s. 4. 1695, 1925, s. 7.

13. (1) Every motor vehicle (not being a trailer) required by this Part to be registered shall, at all times whilst it is being driven or is standing in any road, carry attached thereto in the prescribed positions two plates as prescribed, one on the front and one on the rear thereof, each having the registered number conspicuously painted or otherwise

legibly and permanently marked thereon in manner prescribed: Provided that any motor vehicle, not being a motor cycle, instead of carrying the plate required by this section to be attached to the rear thereof, may have the registered number painted or marked on the rear of such vehicle itself in which case all the provisions of this Act relating to plates and the numbers thereon shall, so far as the same are applicable, apply respectively to that portion of the rear of such vehicle on which the number is painted or marked, and to such number.

(2) Every trailer required by this Act to be registered shall, at all times whilst it is being driven or is standing in any road, carry attached thereto in the prescribed position, one or more plates as prescribed having the registered number conspicuously painted or otherwise legibly and permanently marked thereon in manner prescribed.

(3) If any person owns or drives any motor vehicle which does not comply with this section he shall be guilty of an offence: Provided that where the owner and driver are different persons both shall not be punished in respect of the same contravention.

(4) Any person who, unless exempted by the regulations, drives or causes or permits to be driven or to stand in any road any motor vehicle—

(*a*) having any number plate thereon obscured so that the numbers upon such plate are not clearly visible; or

(*b*) having the registered number upon any number plate wholly or partly obliterated by paint or any other material; or

(*c*) having any number plate thereon so damaged that the registered number is not complete and distinctly visible; or

(*d*) having upon any number plate a number which is not the registered number assigned to the motor vehicle,

shall be guilty of an offence: Provided that no person shall be liable to a penalty for any breach of this subsection if he proves to the satisfaction of the court that he took all reasonable precautions to prevent such breach or that such breach was the result of an accident.

(5) Any person who forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any number plate, trader's plate, or registration card shall be guilty of an offence and liable to a fine of not more than one hundred pounds, or to imprisonment for not more than twelve months.

Inserted by 2332, 1936, s. 10.

14. Any person who owns or drives upon a road any unregistered motor vehicle having upon it any numbers or number plate of a description prescribed to be affixed to registered motor vehicles shall be guilty of an offence.

Prohibition of use of plates on unregistered vehicles. 1480, 1921, s. 35 (d).

15. Where any motor vehicle is registered under this Part and is also licensed by a municipal or district council to ply for hire within its municipality or district, there may appear on the number plates required by this Part to be attached to such motor vehicle, in addition to the registered number, some distinctive design, character, or letter approved by the registrar, for the purpose of indicating that such motor vehicle is so licensed.

Distinctive marks for number plates of vehicle licensed to ply for hire. 1480, 1921, s. 11.

16. (1) Every registration of a motor vehicle effected prior to the commencement of the Road Traffic Act Amendment Act, 1936, shall, unless sooner terminated under this Part, expire on the thirty-first day of March, nineteen hundred and thirty-seven.

Duration of registration. Amended by 2332, 1936, s. 11.

(2) Every registration of a motor vehicle effected on or after the date of the commencement of the Road Traffic Act Amendment Act, 1936, shall expire upon the expiration of six months or twelve months calculated as from the commencement of the month in which it was effected, according to the period for which registration was applied for.

17. (1) The registrar shall at the time of registration issue to every person who registers a motor vehicle under this Part a registration card having printed or written thereon particulars of the motor vehicle registered, the duration of the registration, and any other matters which the registrar thinks proper to insert.

Issue of, and duty to carry, registration card. 1480, 1921, s. 80. 1941, 1929, s. 5. 2131, 1933, s. 7.

(2) Every registration card or the prescribed part thereof shall throughout the period during which the registration remains in force be affixed to and carried on the motor vehicle for which the card is issued, in accordance with the regulations.

(3) Any person who on any road drives any motor vehicle registered under this Part which does not carry the registration card issued for that vehicle under this section, or which carries the said registration card otherwise than in conformity with all the requirements of this section and the regulations, shall be guilty of an offence and liable to a penalty for a first offence not exceeding ten pounds and for a second or any subsequent offence not exceeding twenty pounds.

(4) If any motor vehicle does not carry at any time a registration card issued in respect of that vehicle and for the time being in force, that fact shall be *prima facie* evidence that the said vehicle is not registered at that time.

Offences in connection with registration cards.
1480, 1921, s. 8 D.
1941, 1929, s. 5.
Cf. U.K. 23 & 24 Geo. 5 c. 53, s. 34.

18. Any person who—

(*a*) drives a motor vehicle on which is affixed any registration card other than a registration card issued under this Part in respect of that motor vehicle and for the time being in force;

(*b*) makes any false statement in or in connection with any application for registration under this Part;

(*c*) without lawful excuse has in his possession any registration card or any article resembling a registration card and liable to be mistaken therefor;

(*d*) alters, defaces, mutilates, or adds anything to any registration card;

(*e*) drives a motor vehicle on which is affixed any registration card which has been altered, defaced, mutilated, or added to; or

(*f*) drives a motor vehicle on which is affixed any colourable imitation of a registration card,

shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Duty to notify registrar of transfer of motor vehicle.
1480, 1921, s. 8 E.
1941, 1929, s. 5.
2095, 1932, s. 5.
2131, 1933, s. 7 (2).

19. (1) If an owner who has registered a motor vehicle transfers the ownership thereof to some other person whether on a sale or any other transaction, he shall within twenty-one days of the transfer—

(*a*) notify the registrar in the prescribed form of the transfer:

(*b*) deliver to the registrar the registration card issued in respect of the transferred motor vehicle and for the time being in force, or take such other action in relation to the said card as is prescribed by regulation.

(2) If any person fails to comply with any requirement of this section he shall be guilty of an offence.

Transfer of registration or refund.
1480, 1921, s. 8F.
2095, 1932, s. 6.
2131, 1933, s. 6.

20. (1) Upon or after delivery to the registrar of the registration card in accordance with the last preceding section, or upon taking the prescribed action in relation to the card, the transferor may either—

(*a*) join with the transferee in a joint application to the registrar to transfer the registration of the motor vehicle to the transferee; or

(*b*) apply for cancellation of the said registration and a refund or credit of part of the registration fee in accordance with the next succeeding section.

(2) If such a joint application for the transfer of the registration is made the registrar shall upon payment by the transferee of a fee of two shillings and sixpence transfer the registration to the transferee and issue to him a registration card similar to that issued upon the original registration of a motor vehicle.

(3) Unless a joint application for the transfer of the registration, accompanied by the proper fee, or an application for cancellation of the registration, is lodged with the registrar within twenty-one days after the transfer, or within such longer period as the registrar fixes, the registration shall, upon the expiration of the said twenty-one days, become void, and the registrar shall neither transfer such registration nor refund or credit any money in respect thereof.

Refunds of registration fee in certain cases.
1480, 1921, s. 8G.
2095, 1932, s. 6.
2131, 1933, s. 7.

21. (1) The owner or (as the case may be) the former owner of any registered motor vehicle may in any of the circumstances mentioned hereunder, upon delivery to the registrar of the current registration card issued in respect of that vehicle, or upon taking the prescribed action in relation to the card, apply to the registrar to cancel the registration of the vehicle and pay or credit to him the prescribed amount as defined in this section.

(2) The circumstances in which an application under this section may be made are the following:—

(*a*) If the applicant has ceased to be the owner of the vehicle:

(*b*) If the motor vehicle has become permanently unfit for use as a motor vehicle:

(*c*) If the motor vehicle has been removed from the State for permanent use out of the State, and, where the removal is to another State of the Commonwealth, has been registered in that State:

Inserted by 2416, 1938, s. 9 (1).

(*d*) If the motor vehicle has been used by a person engaged in business as a seller of motor vehicles, for the purpose of demonstrating its qualities to prospective purchasers, but has ceased to be so used.

(3) The prescribed amount shall be one-twelfth of the full annual registration fee for the particular vehicle for each complete month of the registration period which is unexpired at the time when the registration card is delivered by the applicant to the registrar or, as the case may be, when the prescribed action is taken in relation to the card.

(4) Where the ownership of a registered motor vehicle is transferred before the end of the period for which it was registered and the transferor within twenty-one days of the transfer applies to register another motor vehicle, the registrar shall make such refund in respect of the transferred vehicle and such charge for the registration of the other vehicle—

(*a*) that in respect of the month in which the application is made, the transferor shall pay one-twelfth of the annual registration fee for one vehicle only, plus the transfer fee of two shillings and sixpence:

(*b*) that if the fees for registration of the transferred vehicle and the other vehicle are different, the said payment shall be one-twelfth of the greater fee.

Inserted by 2416, 1938, s. 9 (2).

(4a) Where the registration of a vehicle used for the purpose of demonstration as mentioned in paragraph (*d*) of subsection (2) of this section is cancelled, and the owner of the vehicle applies forthwith after the cancellation for the registration of another vehicle which the registrar is satisfied will be used for the said purpose of demonstration, the registrar shall credit such amount in respect of the registration which has been cancelled, and make such charge for the registration of the other vehicle—

(*a*) that in respect of the month in which the application for registration is made the applicant shall pay one-twelfth of the annual registration fee for one vehicle only, plus the transfer fee of two shillings and sixpence:

(*b*) that if the fees for registration of the two vehicles are different the said payment shall be one-twelfth of the greater fee.

(5) The registrar may require any applicant to satisfy him by statutory declaration or other means as to the truth of the matters on which he bases his claim for a refund or credit.

Destruction of registration card.
Inserted by 2416, 1933, s. 10.

21a. (1) Whenever the registration of a motor vehicle has become void before the expiration of the period for which it was granted, the registrar or any person authorised by him or any member of the police force may remove from that vehicle the registration card relating to that registration and for the purpose of so doing may at any reasonable time enter and remain upon any place or premises.

(2) Any person who hinders the registrar or any person authorised by him or any member of the police force in the exercise of any power conferred by this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Avoidance of registration where cheque dishonoured.
1480, 1921, s. 8 H.
2095, 1932, s. 6.

22. If any applicant for registration of a motor vehicle pays the registration fee by cheque and the cheque is dishonoured on presentation the registration of the motor vehicle for which the cheque was tendered shall be void as from the day on which it was effected, and the applicant shall on demand made by the registrar immediately deliver to him the registration card issued in respect of that motor vehicle. If any applicant fails so to deliver the card he shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Provision for recovery where registration fee short paid.
1480, 1921, s. 8 I.
2095, 1932, s. 6.
2131, 1933, s. 9.

23. (1) If any motor vehicle is incorrectly described in the application for registration thereof, and as a result of the mis-description the vehicle is registered without the full amount of the fee payable for the said registration being paid, the applicant for registration shall be liable to pay to the registrar a sum equal to the balance of the fee short paid, and the said sum may be recovered by the registrar as a debt by action in any court of competent jurisdiction.

(2) Where, owing to understatement of the power weight of any motor vehicle, that vehicle has before the thirtieth day of November, nineteen hundred and thirty-three, been registered at a fee less than the fee fixed by law, the Treasurer, if satisfied that the understatement was not fraudulent, may remit the balance of the fee, or any part of that balance, and if the balance has been recovered from the owner, may refund the whole or any part thereof if he thinks circumstances warrant that action.

Exemption of registered trailers from licensing under other provisions of this Act.
1480, 1921, s. 8 I.
1941, 1929, s. 5.

24. If a trailer is registered as a motor vehicle under this Part it need not be licensed under any other Part of this Act.

Inspection of motor vehicles to ascertain power-weight.
1480, 1921, s. 8 J.
1941, 1929, s. 5.

25. Any member of the police force or the registrar or any person authorised in writing by the registrar to examine motor vehicles for the purposes of this Part may—

(*a*) examine or stop and examine any motor vehicle for the purpose of determining any facts necessary to ascertain the amount of the fee payable for registration of that motor vehicle:

(*b*) enter any premises at any time and search therein for motor vehicles and examine for the purposes aforesaid any motor vehicles found therein:

(*c*) take from any part of any motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that motor vehicle.

Duty of owners to notify changes in vehicles and tires to registrar.
1480, 1921, s. 8 L.
1941, 1929, s. 5.

26. (1) The owner of a registered motor vehicle, to which at any time after registration any of the alterations or additions mentioned in subsection (2) of this section are made, shall, within fourteen days after the making of the alteration or addition, give notice thereof in writing to the registrar, and shall forward to the registrar such particulars as are prescribed, of the alteration or addition.

(2) The alterations and additions referred to in subsection (1) hereof are the following:—

(*a*) Any alteration of or addition to the motor vehicle by which its horsepower or weight as defined in the provisions of this Part as to the mode of computing the amount of the registration fee is increased:

(*b*) In the case of a motor vehicle fitted entirely with pneumatic tires, the removal of any pneumatic tire and the substitution therefor of any tire other than a pneumatic tire:

(*c*) In the case of a vehicle not having metal tires, the removal of any tire and the substitution therefor of a metal tire:

(*d*) In the case of a motor cycle not having a side-car attached thereto the attachment thereto of a side-car.

(3) At the time of giving notice to the registrar of any alteration or addition the owner of the motor vehicle shall pay an additional fee which shall consist of the difference between the amount actually paid as registration fee for the motor vehicle and the amount which would have been payable if the alteration or addition had been made at the time of registration, due allowance being made for every full month expired at the time of the making of the alteration or addition.

(4) Any person failing to comply with any requirement of this section shall be guilty of an offence.

Trader's plates. 1480, 1921, s. 9. 2095, 1932, s. 7. Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 9.

27. (1) The registrar may, upon payment of the proper fee as fixed by this section for each pair, issue in accordance with this section trader's plates to any person who has proved to his satisfaction that he is engaged in the business of manufacturing, repairing, or dealing in motor vehicles, and has suitable premises for the purpose. There shall be two kinds of trader's plates, namely, general trader's plates, and limited trader's plates.

(2) Every pair of trader's plates shall remain operative as such until the thirty-first day of March next after the date of the issue thereof and no longer unless the period of operation thereof is extended. The registrar may from time to time upon payment of the proper fee extend the period of operation of any trader's plates for any period not exceeding twelve months and expiring on the thirty-first day of March.

* * * * * * * * * * *

Subsec. (3) repealed by 2416, 1938, s. 11 (a).

Amended by 2416, 1938, s. 11 (b).

(4) The number of trader's plates which may be issued to any one person shall be determined by the registrar, due regard being paid to the business requirements of the applicant.

(5) No limited trader's plate shall be issued to any person who is not the holder of a current general trader's plate.

Amended by 2416, 1938, s. 11 (c).

(6) The fees for the issue or extension of operation of trader's plates shall be as follows:—

For the issue or extension of operation of one pair of general trader's plates, eleven pounds eleven shillings:

For the issue or extension of operation of a second or any subsequent pair of general traders' plates, eight pounds eight shillings:

For the issue or extension of operation of each pair of limited trader's plates ten shillings:

Provided that if the trader's plates are issued between the thirtieth day of September and the first day of April the said fee shall be half of the fee otherwise payable.

(7) The registrar shall keep a record showing the name and place of business of every person to whom any trader's plates have been issued under this section.

(8) Every pair of trader's plates shall bear a distinctive number and conform to such specifications as the Minister from time to time directs by notice in the *Gazette*.

(9) Any person selling or disposing of his business during the currency of any trader's plates issued to him shall, within seven days thereafter, give written notice of such sale or disposal to the registrar; and the registrar may, upon payment of a transfer fee of five shillings cause the trader's plates to be transferred to the purchaser of the business for the remainder of the period for which such trader's plates were issued.

(10) No person shall on any road drive for the purpose of carrying passengers or goods for hire or reward any motor vehicle having a trader's plate attached thereto.

(11) No person shall on any road drive any motor vehicle having a limited trader's plate attached thereto unless he is—

(*a*) the person to whom such trader's plate was issued;

(*b*) a partner of the person or member of the company to whom or to which such trader's plate was issued;

(*c*) a salaried officer or regular employee of the person or company to whom or to which such trader's plate was issued;

(*d*) a prospective purchaser of the motor vehicle accompanied (except in the case of a motor cycle) by any such person as is mentioned in paragraph (*a*), (*b*), or (*c*) of this subsection; or

(*e*) a purchaser of the motor vehicle and resident in another State.

(12) No person shall on any road drive any motor vehicle having a limited trader's plate attached thereto unless the vehicle is at the time—

(*a*) on trial, during the course of construction or repairs or immediately after completion of construction or repairs, for the purpose of ascertaining whether its parts are in proper working condition;

(*b*) on trial for the benefit of a prospective purchaser, or any person *bona fide* interested in the exchange or sale of the vehicle;

(*c*) proceeding to or returning from a prospective purchaser for or after trial;

(*d*) proceeding for delivery to a purchaser or being driven by a purchaser resident in another State to a place within that State;

(*e*) proceeding to or returning from a workshop for painting or repairs;

(*f*) proceeding to a railway station or wharf for entraining or shipment or proceeding from a railway station or wharf to the premises of a manufacturer or dealer;

(*g*) proceeding to an exhibition or show for display or trial or returning therefrom;

(*h*) proceeding to or returning from any garage, auction room, or other place at which vehicles are usually stored or usually or periodically offered for sale, and at which the vehicle is to be, or has been stored, or is to be, or has been offered for sale; or

(*i*) proceeding to or returning with a motor vehicle which, while being driven upon a road or street, has become unable to proceed under its own power.

(13) No person shall on any road, by means of any motor vehicle having a limited trader's plate attached thereto—

(*a*) convey any person to or from any race meeting, trotting meeting, foot races, football or cricket match, or other sport; or

(*b*) carry any goods or load whatsoever except a load which consists solely of some ordinary form of ballast such as sand, gravel, scrap iron, or the like and is carried solely for the purpose of testing the vehicle.

(14) No person shall on any Sunday or public holiday drive on any road any motor vehicle having a limited trader's plate attached thereto.

(15) If any vehicle is driven in contravention of subsection (11), (12), (13), or (14) of this section the driver of the vehicle, and if the driver is not the person to whom the trader's plates were issued, then that person also shall be guilty of an offence.

(16) Every trader's plate issued under this section shall remain the property of the Minister; and if any trader's plate at any time ceases to be operative as such the person to whom it was issued shall, on demand made by the registrar, return the plate to him within seven days thereafter, and if he fails to do so he shall be guilty of an offence and liable to a penalty of not more than ten pounds.

(17) Any person who is driving or has driven a motor vehicle to which a trader's plate is or was attached shall, when required by any member of the police force, forthwith truly answer any questions put to him by such member relevant to the purpose for which, and the circumstances in which, such vehicle is being driven or was driven.

If any person fails to comply with this section he shall be guilty of an offence.

(18) Every person to whom any trader's plate has been issued under this section shall, when required to do so by any member of the police force, furnish to such member the name and address of any person driving on any occasion specified by such member any motor vehicle to which such plate was attached. If any person upon being so required refuses or fails to furnish such name and address or furnishes a false name or false address he shall be guilty of an offence.

(19) Any person guilty of any failure to observe or contravention of any of the provisions of this section shall be guilty of an offence; and any person guilty of an offence against this section for which some other penalty is not specifically provided shall be liable to a penalty not exceeding thirty pounds.

Duty of registered owners to furnish particulars of vehicles.
1695, 1925, s. 16.

28. (1) Every person who is registered as the owner of a motor vehicle, shall, upon request by the registrar, produce to the registrar such evidence of the nature and weight of any motor vehicle owned by such person and of the nature of the tires with which that vehicle is fitted, as is prescribed, or as is required by the registrar.

(2) Any person failing to comply with any request under this section shall be guilty of an offence.

Duty of owners to weigh motor vehicles in certain cases. 1695, 1925, s. 17.

29. (1) The owner of any motor vehicle on being served with a notice signed by the registrar requiring him within a time mentioned in the notice to cause his motor vehicle to be weighed unladen on the weighing machine mentioned in the notice or any one of the weighing machines so mentioned if more than one are mentioned, shall obey such notice and shall forward to the registrar forthwith the document showing the result of the weighing.

(2) This section shall not apply if the distance from the place where the motor vehicle is usually kept to the weighing machine mentioned in the notice, or to the nearest of those weighing machines, if more than one are mentioned, is greater than three miles.

(3) Any person failing to comply with any requirement of the registrar under this section shall be guilty of an offence.

Licensing of Drivers.

Duty to obtain driver's licence. 1480, 1921, s. 34 (a). Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 4.

30. Any person who, unless exempted by the regulations, drives a motor vehicle on any road without being the holder of a licence for the time being in force, or employs or permits any person not being the holder of such a licence to drive a motor vehicle on any road shall be guilty of an offence.

Issue of drivers' licences. 1480, 1921, ss. 12 & 13 (2). 1527, 1922, s. 5. 1827, 1927, s. 5. Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 6; 26 Geo. 5 & 1 Edw. 8 c. 23.

31. (1) The registrar may, subject to the provisions of this Part, issue a licence to any person who—

(*a*) makes written application therefor in the prescribed form; and

(*b*) forwards with such application the fee fixed by this section,

and, subject as aforesaid, may, upon application in the prescribed form, renew any licence. Such renewal shall be in the prescribed form.

(2) The annual fees for licences shall be—

(*a*) for a licence to drive a motor vehicle of any kind—ten shillings:

(*b*) for a licence to drive a motor cycle only—five shillings.

Where a licence takes effect from a day between the thirty-first day of December and the next ensuing first day of July, one half of the annual fee shall be payable therefor.

(3) Every application for the renewal of a licence shall be accompanied by the annual fee therefor.

Inserted by 2332, 1936, s. 12.

(4) A licence to drive a motor cycle may be surrendered to the registrar in exchange for a licence to drive a motor vehicle of any kind expiring on the same day as the licence to drive a motor cycle upon payment of the following fee:—

(*a*) If the licence issued in exchange takes effect from a day between the thirtieth day of June and the first day of January, five shilings;

(*b*) if the licence issued in exchange takes effect from a day between the thirty-first day of December and the first day of July, two shillings and sixpence.

Inserted by 2332, 1936, s. 13.

(5) Every application for a licence shall contain a statement, signed by the applicant, that he is aware that it is an offence to drive a motor vehicle on a road unless there is in force a policy of insurance insuring any person driving that vehicle against his liability in respect of the death of or bodily injury to any person caused by or arising from the use of the vehicle.

Restricted drivers' licences.

Inserted by 2416, 1938, s. 12.

31a. (1) Where the registrar is satisfied that owing to the age or any physical defect or infirmity of any applicant for a driver's licence it is desirable that any licence issued to that applicant should be subject to restrictive conditions, the registrar may issue to that applicant a licence containing conditions as to the localities in which the applicant shall be entitled to drive, or the class or equipment of the vehicles which the applicant shall be entitled to drive or as to any other matters which the registrar thinks necessary for the purpose of preventing danger to the applicant or the public.

(2) In any case where the registrar is satisfied that, by reason of the distance necessary to be travelled by an applicant for a driver's licence to be examined as provided by section 32a, it would be unreasonable to require the applicant to submit to such an examination, he may, without examination as provided by section 32a, issue to the applicant a licence as provided by subsection (1) of this section.

(3) If any such applicant is not willing to accept a licence containing any such conditions proposed by the registrar the registrar may refuse him a licence and the refusal shall be subject to appeal as mentioned in section 32 of this Act.

(4) If any person contravenes any such condition he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Tests of drivers.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 5; 24 & 25 Geo. 5 c. 50, s. 6; 26 Geo. 5 & 1 Edw. 8 c. 23.

32. (1) If the registrar suspects that any applicant for the issue or renewal of a driver's licence is for any reason incompetent to drive a motor vehicle without danger to the public, the registrar shall not issue a driver's licence to that applicant until he is satisfied that that applicant is competent to drive a motor vehicle without danger to the public.

Subsec. (1) amended by 2332, 1936, s. 14, and by 2416, 1938, s. 13.

If the registrar refuses to grant any application for the issue or renewal of a licence to any applicant, that applicant may, in accordance with rules of court made under this section, appeal against that refusal to any special magistrate sitting in chambers. On the appeal the special magistrate may—

(*a*) hear the parties and their witnesses;

(*b*) confirm, reverse or vary the decision appealed against;

(*c*) make any other order which he thinks just including any order as to costs.

Rules of court shall be made under the Local Courts Act, 1926, prescribing the time within which, and the mode in which appeals are to be instituted and dealt with under this section, and any other matters relevant to such appeals.

(2) The registrar, in order to satisfy himself of the competence of any such person, may require him to furnish such evidence of competency as is prescribed, or as the registrar thinks necessary, or to submit to such tests as are prescribed, or as the registrar thinks proper to impose, and may refuse to issue the licence until the applicant furnishes such evidence or satisfies such tests.

Examination of applicant for driver's licence.
Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 6.

Inserted by 2332, 1936, s. 15.

32a. (1) Where an applicant for a driver's licence has not previously held a licence and applies for a licence after a day to be proclaimed by the Governor as the day on which this section shall come into operation, the registrar shall not issue a licence unless the applicant produces to the registrar a certificate from an examiner certifying that the applicant has passed an examination conducted by that examiner, in the rules required by law to be observed by owners and drivers of motor vehicles. No person shall be deemed to have passed an examination for the purposes of this section unless he has answered correctly at least three-quarters of the questions asked in the examination.

Passage inserted by 2416, 1938, s. 14.

Although a person may have answered correctly at least three-quarters of the questions asked in the examination, the registrar may treat him as having failed if he has given an incorrect answer to any question dealing with any rule which in the registrar's opinion is one of special importance.

(2) Every member of the police force shall be an examiner for purposes of this section, and the Governor may appoint such other persons as he thinks fit to be examiners.

(3) The examination shall consist of twelve questions to be answered by the applicant in writing; and the questions for each applicant shall be selected by the examiner from a series of questions formulated and supplied to him by the registrar. Every question shall be such that the answer to it is either "Yes" or "No."

(4) A person who has sat for and failed to pass an examination under this section may again sit for a similar examination at any time after an interval of two clear days.

Age of drivers to whom licences may be issued.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 9.
Amended by 2332, 1936, s. 16.

33. No licence (whether to drive a motor vehicle or a motor cycle) shall be issued to any person who has not previously been granted a licence and who is under the age of sixteen years.

Licences may be refused in certain cases.
1480, 1921, s. 17.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 4 (6).

34. Upon the direction in writing of the Minister, the registrar shall refuse to issue or renew a licence to any person who has been convicted of driving a motor vehicle whilst so much under the influence of intoxicating liquor as to be incapable of exercising effective control of such motor vehicle, or of driving a motor vehicle in any road in a culpably negligent manner, furiously, or recklessly, or at a speed or in a manner which is dangerous to the public, or of any offence which, in the opinion of the Minister, renders him unfit to hold a licence, or who, in the opinion of the Minister, is otherwise unfit to hold a licence.

Appeal on refusal to issue or renew licence.
1480, 1921, s. 18.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 5 (5); 24 & 25 Geo. 5 c. 50, s. 6.

35. (1) Any applicant for the issue or renewal of a licence whose application has been refused may, on giving to the registrar at least seven clear days' notice in writing of his intention so to do, appeal against such refusal to the Local Court of Adelaide, or, at the option of the applicant, to the local court nearest to his residence.

(2) If after hearing the appeal the local court decides that the application ought to be granted, the registrar shall issue or renew the licence accordingly.

(3) The decision of the local court shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition or mandamus, in any court on any account whatever.

(4) The local court on the hearing of any such appeal may make any order as to costs which it thinks fit.

(5) For any such appeal the local court shall consist of a special magistrate.

36. Unless cancelled or suspended under this Part every licence shall continue in force until the thirtieth day of June next after the licence commences to be in force.

Duration of licence.
1480, 1921, s. 13.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 4 (4).

37. (1) Upon the application of the holder of any licence the registrar may, on proof to his satisfaction of the loss or destruction of such licence, and on payment of a fee of two shillings and sixpence, issue to the holder of the licence a duplicate licence bearing all memoranda indorsed on the original licence.

If licence lost, duplicate may be issued.
1480, 1921, s. 14.

(2) Such duplicate shall avail for all purposes as if it were the original licence.

38. (1) The registrar shall keep a register of the names and addresses of all licensed drivers, and of all indorsements on, and renewals and cancellations of, licences.

Register of licences.
1480, 1921, s. 19.
2095, 1932, s. 8.

(2) The prescribed forms of application received by the registrar from persons applying for licences shall be bound or otherwise assembled by the registrar and arranged in order as the registrar determines and shall constitute the register of licences within the meaning of this Act: Provided that the regulations may provide that the register of licences shall be constituted and kept in any other way.

38a. (1) When any person is convicted, before any court, for any offence against any provision of this Act relating to motor vehicles, or for any offence in the commission of which a motor vehicle was used, or the commission of which was facilitated by the use of a motor vehicle, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Suspension of licence and disqualification of holder on conviction.
Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 7, 8; 24 & 25 Geo. 5 c. 50, s. 5.
Inserted by 2332, 1936, s. 17.

(2) An order made under this section may be in addition to any other penalty to which the defendant is liable.

s. 38a. GEORGE v. TROTTER (1938) S.A.S.R. 48. Where the defendant entered an intersection at a very fast rate of speed and narrowly escaped a collision and was convicted under section 131, held that the defendant's licence was rightly suspended.

Power of suspension, cancellation, and disqualification where vehicle used for criminal purposes.

Inserted by 2332, 1936, s. 17.

38b. If a court of summary jurisdiction on complaint duly laid is satisfied that any person has used or is likely to use a motor vehicle in connection with the commission of any offence by himself or any other person, or to facilitate the escape of himself or any other person from arrest or punishment, it may order that the person who used or is likely to use the vehicle be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Disqualification of addicts to liquor or drugs.

Inserted by 2332, 1936, s. 17.

38c. If a court of summary jurisdiction presided over by a special magistrate on complaint duly laid by the Commissioner of Police or by the registrar, is satisfied that any person is by reason of intemperance in the consumption of alcoholic liquor or by reason of the habitual use of drugs, likely to cause danger to the public if he drives a motor vehicle on roads, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Removal of disqualification.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 7.

Inserted by 2332, 1936, s. 17.

38d. (1) Where an order has been made against any person disqualifying him from holding and obtaining a driver's licence until further order that person may on complaint duly laid before a court of summary jurisdiction, and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification, and the court may, if it deems it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

(2) No application shall be made under this section earlier than three months after the making of the original order for disqualification, nor shall any application under this section be made within three months of a previous application relating to the same order of disqualification.

Suspension of licence on the ground of incompetence to drive.

Inserted by 2332, 1936, s. 17.

38e. (1) If the Commissioner of Police or the registrar has reasonable cause to suspect that any person holding a driver's licence is incompetent to drive a motor vehicle without danger to the public, he may require that person to satisfy him by a practical test that he is competent to drive a motor vehicle without danger to the public and if he fails to pass such a test may suspend the licence held by him.

(2) The Commissioner of Police or the registrar, at the request of any person whose licence has been suspended under this section, shall at a convenient time conduct a further test of that person's ability to drive a motor vehicle; and if that

person fails to pass the test he shall be entitled to undergo further tests from time to time at intervals of not less than fourteen days. When that person passes a test the suspension of his licence shall forthwith cease.

38f. Every suspension imposed by the registrar or the Commissioner of Police, shall be by a document in writing under his hand, and shall be served on the holder of the licence either personally or by registered post.

Mode of suspension by Commissioner of Police or registrar.
Inserted by 2332, 1936, s. 17.

38g. (1) If the registrar has reasonable cause to suspect that any applicant for temporary registration of a motor vehicle registered in another State, or any person who has been granted such temporary registration, has used, is using, or is likely to use that motor vehicle in connection with the commission of any offence by himself or any other person, or to facilitate the escape of himself or any other person from arrest or punishment, he may refuse to issue or, as the case may be, revoke such temporary registration.

Refusal or revocation of temporary registration of vehicle from other States.
Inserted by 2332, 1936, s. 17.

(2) The revocation shall be by a document in writing under the hand of the registrar, and personally served on the person thereby affected.

39. Any person who—

Offences in connection with licences.
1480, 1921, s. 35.

(*a*) by any false statement or by misrepresentation obtains or attempts to obtain a licence; or

(*b*) without lawful excuse has in his possession a licence or any article resembling such licence and liable to be mistaken therefor; or

(*c*) forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any licence,

shall be guilty of an offence.

Warning devices, silencers, and lights on motor vehicles.

40. (1) Any person who drives in any road or who, being the owner, causes or permits any person to drive on any road a motor vehicle which has not attached thereto, under the immediate control of the hand or foot of the driver, a proper horn or other instrument capable of giving audible and sufficient warning of the approach and position of that motor vehicle, shall be guilty of an offence:

Duty to carry warning device.
1480, 1921, s. 30.
1695, 1925, s. 10.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 59 (1), (b).
Amended by 2332, 1936, s. 18, and by 2416, 1938, s. 15.

S. 40. JOLLY v. WALLMAN (1936) S.A.S.R. 121. Where a dangerous situation arises at a time when it is too late for a warning to be effective, there is no need to give warning of the approach of a vehicle.

Provided that this subsection shall not apply to any trailer so long as the motor vehicle to which that trailer is attached complies with this subsection.

(2) Any driver of a motor vehicle who does not whenever necessary, by sounding the horn or other instrument attached thereto, give audible and sufficient warning of the approach or position of that motor vehicle, shall be guilty of an offence.

Inserted by 2332, 1936, s. 18.

(3) A bell or siren shall not be taken to be a proper horn or other instrument within the meaning of this section except where the motor vehicle to which it is attached is—

(*a*) being used at the time by the Fire Brigades Board or a fire brigade or the Police Department; or

(*b*) an ambulance; or

(*c*) an emergency vehicle being used at the time by the Municipal Tramways Trust.

Misuse of warning devices.

Inserted by 2332, 1936, s. 19.

40a. (1) If any person—

(*a*) uses the warning device of a motor vehicle otherwise than for giving reasonable warning of the approach of that vehicle; or

(*b*) uses the warning device of a motor vehicle in such a manner as to produce an offensive noise,

he shall be guilty of an offence.

(2) If any person in any road sounds any bell or siren attached to or being upon any motor vehicle other than—

(*a*) a vehicle being used at the time by the Fire Brigades Board, or a fire brigade, or the Police Department; or

(*b*) an ambulance; or

(*c*) an emergency vehicle being used by the Municipal Tramways Trust,

he shall be guilty of an offence.

Duty of drivers as to silencers and elimination of noise, smoke, &c.

1480, 1921, s. 31. 2095, 1932, s. 11.

41. (1) Any person who in any road drives a motor vehicle—

(*a*) which has not attached to it and in use a silencer which eliminates all unnecessary noise; or

(*b*) which has attached to it a silencer to which any alteration has been made which reduces or is likely to reduce the effectiveness of such silencer; or

s. 41. DAYMAN v. ELLIS (1933) S.A.S.R. 274. Section 41 requires that the silencer must at the material time be in actual use and eliminate all unnecessary noise.

(*c*) on which there is any device which may be used to reduce the effectiveness of the silencer,

shall be guilty of an offence.

(2) Any person who makes any alteration to a silencer which reduces or is likely to reduce its effectiveness shall be guilty of an offence.

(3) Any driver of a motor vehicle who allows it to make or emit any unnecessary noise, smoke, visible vapour or smell shall be guilty of an offence.

Lights on motor vehicles.
1480, 1921, s. 32.
1527, 1922, s. 6.
1695, 1925, s. 11.
1827, 1927, s. 7.

42. (1) Every motor vehicle (other than a motor cycle or trailer) which is at any time between half an hour after sunset and half an hour before sunrise on any road shall carry attached thereto—

(*a*) two lighted lamps carried one on each side of such motor vehicle, such lamps being so constructed and carried as to show a bright white yellow or amber-coloured light in front of such motor vehicle; and

Para. (a) amended by 2416, 1938, s. 16.

(*b*) a lighted lamp carried on the off side of the rear of such motor vehicle, such lamp being so constructed and carried as to illuminate and render easily distinguishable from a distance of at least forty feet each figure and letter on the number plate attached to the rear of such motor vehicle, and to show a red light in such a position and manner as to be clearly visible at a distance of at least two hundred yards to any person approaching such motor vehicle from the rear:

Para. (b) amended by 2332, 1936, s. 20.

Provided that—

(*a*) if one or more trailers are attached to such motor vehicle the light provided for by subdivision (*b*) hereof shall be placed on the off side of the rear of such trailer, or on the off side of the rear of the rearmost of such trailers, if there is more than one, instead of on such motor vehicle:

(*b*) this subsection shall not apply to any such motor vehicle if and so long as such motor vehicle is stationary in a road and is standing under or near a lighted public street lamp or other lamp, so illuminating such road as to render such motor vehicle clearly visible and to remove any risk of accident by collision or otherwise; and

Para. (c) amended by 2332, 1936, s. 20.

(*c*) this subsection shall not apply to any such motor vehicle if and so long as such motor vehicle is stationary in a road, and the rear lamp of such motor vehicle is alight and is showing a light sufficiently bright to indicate the presence of such motor vehicle, and to remove any risk of accident by collision or otherwise.

Subsec. (1a) inserted by 2332, 1936, s. 20, and amended by 2416, 1938, s. 17.

(1a) Every motor vehicle which, or the load on which, is more than six feet six inches wide and which is at any time between half an hour after sunset and half an hour before sunrise on any road, shall carry attached to the extreme off-side of the vehicle or, where there is a load projecting from the off side of the vehicle, at the extreme off side of that load, a lighted lamp so constructed and carried as to show a bright green light in front of the vehicle clearly visible at a distance of at least two hundred yards from the front of the vehicle, and a bright red light clearly visible at a distance of at least two hundred yards from the rear of the vehicle, or alternatively two lighted lamps showing respectively a green light and a red light complying with the foregoing provisions of this subsection. The lamp so carried shall be not less than three and not more than six feet from the ground, and shall be affixed as near as practicable to the edge of the vehicle or load.

It shall be sufficient compliance with this subsection if any lamp or lamps carried in pursuance of the other provisions of this Act also comply with this section.

Subsec. (1b) inserted by 2332, 1936, s. 20.

(1b) Every motor vehicle the load on which extends more than three feet behind the rear of the motor vehicle and which is at any time between half an hour after sunset and half an hour before sunrise on any road shall carry attached to the extreme rear of that load a lighted lamp so constructed and carried as to show a red light clearly visible from a distance of two hundred yards from the rear of the motor vehicle.

For the purpose of this subsection any frame work, fixed or placed on a motor vehicle, shall be deemed to be the load or portion of the load on that motor vehicle.

(2) Every motor cycle which is on any road between half an hour after sunset and half an hour before sunrise shall carry—

Amended by 2416, 1938, s. 16.

(*a*) a lighted lamp attached to the front of the motor cycle and so constructed and carried as to show a bright white yellow or amber-coloured light in front of the motor cycle and also illuminate and

render easily distinguishable from a distance of at least ten yards each figure and letter on the number-plate attached to the front of the motor cycle:

(*b*) a lighted lamp attached to the rear of the motor cycle and so constructed and carried as to show a red light clearly visible at a distance of at least two hundred yards from the rear of the motor cycle and illuminate and render easily distinguishable from a distance of at least forty feet each figure and letter on the number-plate attached to the rear of the motor cycle:

(*c*) if a side-car is attached to the motor cycle, in addition to the lighted lamps provided for by the preceding paragraphs a lighted lamp attached to the front of that side-car, such lamp being so constructed and carried as to show a bright white light in front of the side-car:

Provided that this subsection shall not apply to any motor cycle if and so long as such motor cycle is stationary in a road and is standing under or near a lighted public street lamp or other lamp so illuminating such road as to render the motor cycle clearly visible and to remove any risk of accident by collision or otherwise.

(3) If any person owns or drives any motor vehicle not complying with this section in any particular he shall be guilty of an offence: Provided that where the owner and driver of the vehicle are different persons both shall not be punished in respect of the same contravention.

Brakes on Motor Vehicles.

Brakes on motor vehicles.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 59 (1) (a).

Inserted by 2332, 1936, s. 21.

42a. (1) In this section, unless the context otherwise requires—

"independent brake" means a brake of which the entire operating mechanism or system is either—

(*a*) separate from all parts and connections of any other brake or brake system, so that the brake in question cannot be adversely affected by the operation or failure of any other brake; or

(*b*) common to any other brake or brake system only in parts or connections which are of such design and strength, that there is no reasonable probability of failure of the independent brake by reason of the failure of any other brake or brake system:

"retaining-brake" means a brake so constructed and of such a nature that it is capable, when applied on used grades with any load carried or likely to be carried by the vehicle, of retaining all road-wheels, other than the steering-wheels, immovable for an indefinite period and without further attention than the initial application:

"tractor" means any motor vehicle used solely for the purposes of traction, and not for the carriage thereon of passengers (other than the driver) or goods:

"used grades" includes every road of whatever grade upon which the motor vehicle in question is used or likely to be used.

(2) In this section the term "capable of stopping" as applied to a brake means capable of bringing to a standstill the vehicle to which it is attached from a speed of twenty miles per hour upon a hard, dry, level road having a surface of tar, bitumen, concrete, or similar substance, and free of loose material, without assistance from the compression of the engine, within the specified distance from the point at which the brake is applied.

(3) Every motor vehicle (not being a motor cycle, and not being a tractor the maximum possible speed of which is fifteen miles per hour or less) shall be equipped with two independent brakes attached thereto.

(4) At least one of the brakes shall be a retaining brake.

(5) At least one of the brakes shall be so constructed as to act directly on the wheels, and not through transmission gear.

(6) In the case of a vehicle driven by steam—

(*a*) if the engine is capable of being reversed; and

(*b*) if the engine is incapable of being disconnected from all the road-wheels or all the axles, other than the front wheel or axle, save by the sustained action of the driver; and

(*c*) if there is no differential gear or similar mechanism between any two of the axles,

then it shall be sufficient if the vehicle is equipped with one brake independent of the engine, and complying with the requirements of subsections (4) and (5) of this section.

(7) One brake of a motor vehicle shall, if that brake acts on four wheels, be capable of stopping the vehicle within thirty feet, and if it acts on two wheels, within forty-five feet, and the other brake shall be capable of stopping the motor vehicle within seventy feet.

(8) Every motor cycle (with or without a side-car attached) shall be equipped with at least one brake which shall be capable of stopping the cycle within forty feet.

(9) Every motor cycle having a side-car attached shall, after the first of April, nineteen hundred and thirty-eight, be equipped with two independent brakes attached thereto, one being a brake complying with the requirements of the last preceding subsection and the other a brake of reasonable efficiency. Amended by 2416, 1938, s. 19 (1).

(9a) A three wheeled motor vehicle (not being a motor cycle with a sidecar attached) shall be equipped with two independent brakes, one of which shall be capable of stopping the vehicle within forty-feet and the other a brake of reasonable efficiency. Inserted by 2416, 1938, s. 19 (2).

(10) A trailer need not be equipped with brakes, if the motor vehicle by which it is drawn has brakes capable of stopping that vehicle with the trailer attached, within the distance prescribed by this section.

(11) A motor vehicle of the self-laying track type, having a continuous band or bands as its sole means of locomotion or traction, or having in addition thereto no more than two wheels in contact with the ground, is hereby exempted from the requirement of subsection (5).

(12) Each brake referred to in this section shall be capable of easy adjustment, and shall be maintained at all times in good working order.

(12a) The Governor may make regulations prescribing the standards or percentages of efficiency (as ascertained or measured by any brake-testing apparatus mentioned in the regulations) for brakes on motor vehicles of any class and if Inserted by 2416, 1938, s. 19 (3).

the brakes on any motor vehicle do not comply with any such regulation, that motor vehicle shall be deemed not to comply with this section.

Nothing in this subsection or in the regulations made under this subsection shall affect the obligation to comply with the other subsections of this section.

(13) Any person who drives or causes or permits any person to drive on any road any motor vehicle which in any particular does not comply with this section shall be guilty of an offence.

Windscreen Wipers and Rear Vision Mirrors.

Windscreen wipers.

Inserted by 2332, 1936, s. 21.

42b. (1) Every motor vehicle having a windscreen, shall be equipped with a windscreen wiper, capable at all times of effectively removing rain or other moisture from the portion of the windscreen immediately in front of the driver, and so constructed and situated that it can be controlled or operated from the driver's seat of the vehicle.

(2) If the motor vehicle is registered for the first time after the first of January, nineteen hundred and thirty-seven, the windscreen wiper shall be capable of being operated by a mechanical power.

(3) Any person who drives or causes or permits any person to drive on any road any motor vehicle which in any particular fails to comply with this section, shall be guilty of an offence.

Reflecting mirrors.

Inserted by 2332, 1936, s. 21.

42c. (1) Every motor vehicle, other than a motor cycle, shall be equipped with a mirror, so constructed and fitted to the motor vehicle as to give the driver of the motor vehicle a view along the carriage-way of the road behind the vehicle, for at least one hundred yards on a straight road: Provided that this section shall not apply to a motor vehicle when drawing a trailer.

Subsec. (2), substituted by 2416, 1938, s. 18.

(2) Any person who drives or who, being the owner, causes or permits any person to drive on any road a motor vehicle which in any respect fails to comply with this section shall be guilty of an offence.

(3) It shall be a defence to any charge made under this section if the defendant shows that owing to the mode of construction of the vehicle, or the load carried thereon, it was not practicable to comply with this section.

Duties of Drivers and Owners of Motor Vehicles.

Provision as to speed of motor vehicles.

1480, 1921, s. 20. 2095, 1932, s. 9. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 10; 24 & 25 Geo. 5 c. 50, ss. 1, 2.

43. (1) Any person who drives a motor vehicle on any road at an excessive speed shall be guilty of an offence.

(2) It shall be *prima facie* proof only that a person has driven at an excessive speed if it is proved that he drove on a road—

(*a*) in any municipality, town, or township at a greater speed than twenty-five miles per hour; or

(*b*) outside a municipality, town, or township at a greater speed than forty miles per hour.

Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 3.

(3) Subsection (2) of this section shall not apply to—

(*a*) any motor vehicle owned by the Fire Brigades Board or any fire brigade, or the controlling authority thereof, and which is being driven to a fire for use in connection with the extinguishing thereof;

(*b*) any motor vehicle which is being used by a member of the police force for the purpose of effecting an arrest, or otherwise in connection with the detection, suppression, or prevention of crime; or

(*c*) any ambulance motor vehicle which is being used for ambulance work.

(4) In considering whether an offence has been committed under this section the court shall have regard to the nature, condition, and use of the road upon which the offence is alleged to have been committed and to the amount of traffic which at the time actually is or which might reasonably be expected to be upon such road and to the vehicle concerned, and to all other circumstances affecting the matter, whether of the same nature as those mentioned or not.

Speed of motor cycles carrying pillion passengers.

Inserted by 2332, 1936, s. 22.

43a. (1) Any person who on any road, drives at a greater speed than twenty-five miles per hour a two wheeled motor cycle carrying any person in addition to the driver, shall be guilty of an offence.

(2) This section does not apply to a motor cycle having a side-car attached thereto.

s. 43. BOND v. HALL (1938) S.A.S.R. 59. Where evidence was given as to speed by reference to a speedometer but there was evidence that the speedometer had not been tested, held that the recording by the speedometer was lawful evidence (and see also section 157 (3), enacted since this decision).

GIBSON v. JENNINGS AND ANOTHER (1938) S.A.S.R. 330. A speed exceeding that mentioned in subsection (2) is an element to consider on the question of negligence in a civil action.

S. 44 repealed by 2332, 1936, s. 23.

* * * * * * * * * *

Duty of driver to produce licence and give name and address. 1480, 1921, s. 22. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 4 (5).

45. (1) Any driver of a motor vehicle who—

(*a*) when requested by a member of the police force in the execution of his duty under this Act to produce his licence fails to do so within forty-eight hours of the making of the request; or

(*b*) when requested by a member of the police force to state his name and place of abode or the name and place of abode of the owner of such motor vehicle refuses or fails to do so or states a false name or place of abode,

shall be guilty of an offence.

(2) Any inspector may without any warrant other than this Act apprehend any driver of a motor vehicle who is guilty of any offence under this section.

S. 46 repealed by 2332, 1936, s. 24.

* * * * * * * * * *

S. 47 repealed by 2332, 1936, s. 26.

* * * * * * * * * *

Driving whilst drunk or under the influence of drugs.

Substituted by 2416, 1938, s. 20.

48. (1) Any person who—

(*a*) drives a motor vehicle; or

(*b*) occupies the driver's seat and attempts to put a motor vehicle in motion,

whilst he is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle shall be guilty of an offence.

S. 48. BURROWS v. HANLIN (1930) S.A.S.R. 54. The opinion of persons, not experts, as to whether a man is drunk, or capable of driving a car, is not admissible as evidence.

DAYMAN v. SIMPSON (1935) S.A.S.R. 320. Where the defence suggests that an expert witness, called by the prosecutor as to the condition of the defendant, has given an unsound opinion, that should be suggested to the witness before he leaves the box. Complaint referred for re-hearing where this rule was not observed.

HENNIG v. ROBERTSON. ROBERTSON v. HENNIG (1937) S.A.S.R. 400. Where a person, who had been convicted under section 26 of the Motor Vehicles Act, 1921, of driving a motor vehicle whilst so much under the influence of liquor as to be incapable of exercising effective control of the vehicle, committed this offence under section 48 of this Act, held that the penalty to be inflicted was that appropriate to a second offence under section 48.

CHUCK v. WEST (1938) S.A.S.R. 51. It is not necessary on a charge under section 48 to show that the defendant was drunk.

Penalty—For a first offence, a fine of not less than twenty pounds and not more than fifty pounds and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three months.

For a second offence, a fine of not less than fifty pounds and not more than one hundred pounds, or imprisonment for not less than two months and not more than six months, or both such fine and imprisonment, and in any case disqualification from holding and obtaining a driver's licence for such period as the court thinks fit but in no case less than six months.

For a third or any subsequent offence, imprisonment for not less than three months and not more than twelve months and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three years.

(2) Notwithstanding any other Act the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed by this section shall not be reduced or mitigated in any way except as follows:—

In the case of a first offence, the court, if it is satisfied by evidence given on oath that the offence is trifling, may order disqualification for a period less than three months or may refrain from ordering disqualification.

(3) The court by which any person is convicted under this section on the complaint of a member of the police force, may, in addition to ordering any other penalty, order on the application of the complainant that the defendant pay to the complainant a reasonable sum to cover the expenses of any of the following things:—

(*a*) Apprehending the defendant:

(*b*) Conveying him to any police station:

(*c*) Keeping him in custody until trial:

(*d*) Medically examining him.

Any amount received by the complainant under this section shall be paid by him into the general revenue of the State.

* * * * * * * * * * *

S. 49 repealed by 2332, 1936, s. 26.

50. Every person registered as the owner of a motor vehicle and every holder of a licence who permanently changes his place of abode shall, within fourteen days of so doing, give written notice to the registrar of his new place of abode.

Registered owners and licensed drivers to notify change of address. 1480, 1921, s. 28.

Side-car to be on left side of motor cycle.
1480, 1921, s. 33.

51. (1) No motor cycle having a side-car attached thereto shall be driven or shall stand in any road unless such side-car is so attached on the left side of such motor cycle.

(2) If any person owns or drives any motor cycle not complying with this section in any particular he shall be guilty of an offence: Provided that where the owner and driver of the cycle are different persons both shall not be punished in respect of the same contravention.

S. 52 repealed by 2332, 1936, s. 27.

* * * * * * * * * * *

Penalty for using motor vehicle without consent of owner.
1480, 1921, s. 37.
1695, 1925, s. 13.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 28.

53. (1) Any person who drives or uses any motor vehicle without first obtaining the consent of the owner thereof shall be guilty of an offence.

Penalty—For a first offence, imprisonment for not more than three months. For any subsequent offence, imprisonment for not more than twelve months.

Subsec. (1) amended by 2416, 1938, s. 21.

(2) The court may, in addition to any other penalty imposable under this section, order the defendant to pay to the owner of the motor vehicle used in contravention of this section such a sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner.

(3) This section shall not apply to any member of the police force in the execution of his duty under this Act.

S. 54 repealed by 2332, 1936, s. 27.

* * * * * * * * * * *

Interfering with motor vehicle.
1480, 1921, s. 39.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 29 (2).

55. Any person who interferes with or tampers with a motor vehicle or any part thereof, without first obtaining the consent of the owner thereof, shall be guilty of an offence.

Procuring use of car by fraud.
1480, 1921, s. 40.

56. Any person who procures the use or hire of any motor vehicle by fraud or misrepresentation shall be guilty of an offence and liable to a fine not exceeding twenty pounds or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment.

s. 53. BOLLMEYER v. DALY (1933) S.A.S.R. 295; 5 Austn. Digest 168. "Use" covers every degree of use. The *mens rea* necessary to support a charge under section 53 is an intention to use a motor vehicle without the consent of the owner.

57. (1) Whenever a licensed driver is charged with any breach of this Part he shall produce his licence to the court at the time of the hearing of the charge.

Production of licence at court.
1480, 1921, s. 41.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 8.

(2) Any such driver who fails without reasonable excuse to produce his licence as aforesaid shall be guilty of an offence.

58. Any person who wilfully makes any false statement in an application under this Part for the registration of a motor vehicle, or in an application for the issue or renewal of a licence to drive a motor vehicle, shall be guilty of an offence.

False statement by applicant for licence or for registration punishable.
1480, 1921, s. 42.

59. (1)—

Penalty on improper use of vehicles registered for reduced fee.
Substituted by 2416, 1938, s. 22.

(*a*) If any commercial motor vehicle, for the registration of which a reduced registration fee has been paid as allowed by paragraph (7) of section 9 of this Act, is during the period of the registration used for the carriage of His Majesty's mails, goods, or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer; or

(*b*) if any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph (8) or (9) of section 9 of this Act is during the period of registration used for any purpose other than a purpose set out in the said paragraph (8) or (9) as the case may be; or

(*c*) if any motor tractor for the registration of which a reduced registration fee has been paid as allowed by paragraph (10) of section 9 of this Act is during the period of the registration used for any purpose other than a purpose set out in the said paragraph (10),

and the balance of the full registration fee for the said period has not been paid before the vehicle is so used, then the person driving the vehicle and, if that person is employed by any other person to drive the vehicle, then the employer also shall be guilty of an offence.

(2) The carriage of goods and passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, shall not, if those goods or passengers are carried in connection with military training or other military operations carried on by the

Commonwealth, be regarded as the carriage of goods or passengers within the meaning of paragraph (*a*) of subsection (1) of this section.

Powers and duties of police.
1480, 1921, s. 43.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 49.

60. (1) Every member of the police force shall see that this Part is duly observed.

(2) Any member of the police force in the execution of his duty under this Part may give such reasonable directions to persons driving motor vehicles upon any road as are, in his opinion, necessary for the safe and efficient regulation of the traffic thereon, or for the purpose of ascertaining whether any offence against this Part has been or is being committed.

(3) Any person who—

(*a*) obstructs or hinders any member of the police force in the exercise of his duties under this Part; or

(*b*) in any way interferes with or prevents the exercise of any of the powers conferred or the discharge of any of the duties imposed by this Part upon members of the police force; or

(*c*) disobeys any lawful order or direction of a member of the police force in the exercise of his duties under this Part,

shall be guilty of an offence.

Regulations as to motor vehicles.

Regulations.
1480, 1921, s. 44.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 30.

61. (1) In addition to any power by any other section of this Part conferred on the Governor to make regulations (which power shall in every case be implied for the purpose of any section in which the word "prescribed" is used), the Governor may make regulations prescribing all matters and things which by this Part are contemplated, required or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed for the purpose of more effectually carrying out any of the provisions of this Part, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

1. Regulating the use of motor vehicles and the conditions under which they may be used;

s. 61. GRAVES v. WALKOM (1926) S.A.S.R. 34. The breach of a statutory regulation may tend to show negligence on the part of the plaintiff or defendant.

FORBY v. LAUCKE (1933) S.A.S.R. 60. The existence of a statutory regulation for the use of the highway is a circumstance to be taken into account in applying the principles of common law in an action for negligence.

II. Regulating the speed of motor vehicles in particular localities or under particular circumstances, and for such purposes varying the rates of speed declared by this Part to be *prima facie* evidence of driving at excessive speed;

III. Prescribing and regulating the affixing and use of warning devices on motor vehicles;

IV. Prescribing and regulating the affixing of efficient brakes on motor vehicles;

V. Providing for minimising the noise and the issue of smoke or fumes from the working of motor vehicles;

VI. Prohibiting the use of motor vehicles that, owing to defects in construction or other causes, are unsuitable for safe use;

VII. Prohibiting or restricting the use of motor vehicles upon any specified roads, or within the roads in any specified area, either generally or within certain hours;

VIII. Prohibiting or regulating the carrying of any person on a motor cycle in addition to the rider thereof; Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 16.

IX. Regulating the form of the registered numbers assigned to motor vehicles, and the manner of placing them upon such vehicles;

X. Providing that any regulations under this section may be of a local nature and limited in their application to a particular area, or may be restricted in their operation to any specified class of motor vehicle;

XI. Providing for the erection of uniform signs and notices for the guidance of motor drivers;

XII. Providing for the temporary registration of motor vehicles owned by persons resident outside the State and temporarily in the State, and of the drivers thereof;

XIII. Providing for the regulation of the owners and drivers of motor vehicles; and

XIV. Providing for any other purpose which the Governor may consider necessary for the safety or convenience of the public, or for the protection of property;

XV. Requiring motor vehicles to be provided with apparatus for deflecting, dipping, dimming, or otherwise adjusting the headlights thereof and for regulating the use of such apparatus. Inserted by 2416, 1938, s. 23.

(2) Any such regulation may impose a penalty not exceeding twenty pounds for any breach of the same or any other regulation.

Inconsistency of regulation or by-law.
1480, 1921, s. 47.

62. When any regulation or by-law made by any municipal or district council or other authority is inconsistent with a regulation made under this Part, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Legal Proceedings and Evidence.

Offences.
1480, 1921, s. 48.

63. Any contravention of or failure to observe any provision of this Part, whether by act or omission, shall be an offence.

Penalties.
1480, 1921, s. 49.

64. Any person guilty of an offence under this Part for which no specific pecuniary penalty is provided shall be liable to a penalty of not more than twenty pounds.

Copy of record of registration and licences to be evidence.
1480, 1921, s. 50.
1695, 1925, s. 14.
2095, 1932, s. 15.

65. (1) A document purporting to be an extract from, or copy of, any entry contained in the register of motor vehicles or in the register of licences and purporting to be certified as such under the hand of the registrar shall, in all courts and upon all occasions whatsoever be admissible as evidence, and shall be *prima facie* evidence of the truth of the matters stated in such document without the production of such registers, or any licence, notice, or other document upon which any entry may be founded.

(2) A document purporting to be a certificate under the hand of the registrar stating all or any of the following matters, namely:—

(*a*) That the person therein described was not on any given date the holder of a licence:

(*b*) That the person therein described had not on any given date registered any motor vehicle whatever, or any particular motor vehicle therein described:

(*c*) That no trader's plate or no trader's plate bearing a particular number had on any given date been issued to the person therein described:

(*d*) That any number therein mentioned was not the number on any trader's plate in force on any given date:

(*e*) That any motor vehicle therein described was not on any given date a registered motor vehicle:

(*f*) That any number therein mentioned was not on any given date assigned to any motor vehicle whatever, or to any particular motor vehicle therein described:

(*g*) That any person therein described had not on any given date notified the registrar in the prescribed form of the transfer of any motor vehicle therein described:

(*h*) That any person therein described had not on any given date delivered to the registrar the registration card issued in respect of any transferred motor vehicle therein described:

(*i*) That any person therein described had not on any given date notified the registrar in writing of his permanent change of address from any address therein described to any other address therein described,

shall in all courts and upon all occasions whatsoever, be admitted as *prima facie* evidence of the truth of the matters stated as aforesaid.

Facilitation of proof. 1480, 1921, s. 51.

66. In any proceedings for an offence against this Part—

(*a*) proof that a motor vehicle has not upon it a distinguishing number as prescribed by this Part shall be *prima facie* evidence that that motor vehicle is not registered;

(*b*) proof that a person is registered as the owner of a motor vehicle shall be *prima facie* evidence that that person is the owner of that motor vehicle;

(*c*) the fact that any place is described as a street or road shall be *prima facie* evidence that that place is a road within the meaning of this Part; and

(*d*) the allegation in the complaint that any road whereon it is alleged that any such offence was committed is situated in a municipality, or in a town or township, shall be *prima facie* evidence that that road is situated as alleged.

Endorsement of disqualification. Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 7, 8. Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 5. Substituted by 2332, 1936, s. 28.

67. (1) When a holder of a driver's licence is disqualified under this Act from holding and obtaining a licence, or when the licence of any such holder is suspended, he shall forthwith produce his licence to such person as the court or other person or authority ordering the disqualification or suspension directs for the purpose of having a memorandum of the disqualification or suspension endorsed thereon.

(2) Any person who fails to produce a licence as and when required to do so under this section shall be guilty of an offence.

Effect of disqualification from holding licence.
Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 4 (6), 7.
Inserted by 2332, 1936, s. 28.

67a. (1) A driver's licence shall during the period during which it is suspended or the holder is disqualified from holding and obtaining a licence be of no force or effect.

(2) The registrar shall not issue a driver's licence to any person who is disqualified from holding and obtaining a driver's licence.

Enforcement of obligation to procure driver's licence.
Inserted by 2332, 1936, s. 28.

67b. The Commissioner of Police shall at intervals of not less than twelve months take such steps as are reasonably practicable to ascertain whether any persons are driving motor vehicles without holding drivers' licences.

Suspension of registration.
Inserted by 2332, 1936, s. 29.

67c. In any proceedings against the owner of a motor vehicle for any offence against this Act if the court is satisfied that the vehicle does not comply with any requirement of this Act or is otherwise so defective that it cannot be driven on a road without danger to the public, the court may order that—

(*a*) the registration of the vehicle be suspended and not renewed; or

(*b*) if the vehicle is unregistered, that the vehicle be not registered,

until the vehicle is made to comply with this Act or otherwise rendered safe for use to the satisfaction of a police officer.

Offences by employees.
Inserted by 2332, 1936, s. 30.

67d. If a person charged with driving a motor vehicle which does not comply with a requirement of this Act as to lights, warning devices, brakes, windscreen wipers, rear-vision mirrors, or other equipment, proves—

(*a*) that he is the employee of another person;

(*b*) that he drove the vehicle on the relevant occasion under the express instructions of his employer;

(*c*) that he was not aware that the vehicle did not comply with this Act or that before driving the vehicle he called the attention of his employer to the fact that the vehicle did not comply with this Act,

that person so charged shall be acquitted.

67e. (1) A person who by virtue of an order of a court under this Act is disqualified from holding and obtaining a driver's licence may appeal against the order in the same manner as against a conviction. Suspension of orders of disqualification. Inserted by 2416, 1938, s. 24.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended—

(*a*) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;

(*b*) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but shall not have any effect until the defendant—

(*a*) has duly instituted the appeal and paid the appropriate court fees; and

(*b*) has served on the registrar the order of suspension or a copy thereof, and a notice that the appeal has been duly instituted and the fees paid.

68. All proceedings for offences against this Part shall be disposed of summarily. Summary proceedings for offences.

69. This Part applies to persons in the public service of the Crown while engaged on such service, as well as when not so engaged. Persons in service of the Crown bound.

70. Nothing in this Part shall affect any liability of any person under any statute or at common law. Common law or statutory liability not affected. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 33.

PART IIA. PART IIA.

INSURANCE AGAINST THIRD PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES.

70a. (1) In this Part, unless the context otherwise requires— Interpretation and application of this Part. Inserted by 2332, 1936, s. 31.

"approved insurer" means any person or association of persons carrying on the business of insurance who or which has been approved by the Treasurer as an approved insurer under this Part:

s. 70. FORBY v. LAUCKE (1933) S.A.S.R. 60. Section 70 means that the other provisions of the Act are not to alter the principles upon which liability falls to be determined under any other statutes or at common law. The existence of a statutory regulation for the use of the highway is a circumstance to be taken into account in applying the principles of the common law in an action for negligence.

"insured person" means the owner of a motor vehicle in respect of which a policy of insurance is in force under this Part and the driver and the person in charge at the material time whether with or without the consent of the owner:

"owner" includes every person who is the owner or joint owner or part owner of a motor vehicle and any person who has the use of any motor vehicle under a hire purchase agreement, but does not include an unpaid owner of a motor vehicle the subject of a hire purchase agreement:

"policy of insurance" includes a cover note which is binding on the insurer.

(2) Other words and expressions used in this Part shall, unless the context otherwise requires, have the same meaning as they have in Part II. of this Act.

(3) This Part shall not render it obligatory to insure any vehicle owned by the Crown and used solely in the public business of the State or any vehicle owned by the Municipal Tramways Trust and used solely in connection with the business of that Trust: Provided that in relation to any motor vehicle which is owned by the Crown or the Municipal Tramways Trust and is not insured the Crown or the Municipal Tramways Trust shall be under the same liabilities and have the same rights as an insurer who has issued to the Crown or the Municipal Tramways Trust (as the case may be) a policy of insurance complying with this Part in relation to the use of that vehicle.

Insurance against third party risks. U.K. 20 & 21 Geo. 5 c. 43, s. 35. Inserted by 2332, 1936, s. 31.

70b. (1) After a day to be proclaimed by the Governor as the day on which this Part shall come into operation no person shall use, or cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with this Part.

Any person contravening this subsection shall be guilty of an offence and liable for a first offence to a fine of not more than one hundred pounds and for any subsequent offence to a fine of not more than two hundred pounds.

s. 70b. RAKE v. BOND (1938) S.A.S.R. 253. The discretionary powers of the court under subsection (2) to grant an order of exemption discussed.

PENNEY v. BOURKE (1938) S.A.S.R. 328. Where a person had used a motor car without having a policy of insurance in force for approximately three weeks, held that the suspension of his driver's licence for a period of three months was not excessive.

(2) Any person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise) be disqualified from holding and obtaining a driver's licence or the registration of a motor vehicle under this Act for a period of twelve months from the date of the conviction.

(3) Proceedings for an offence under this section may be commenced—

(*a*) within a period of six months from the date of the commission of the alleged offence; or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(4) In any prosecution for an offence under this section, the allegation in the complaint that at any time mentioned in the complaint there was not in force in respect of any particular motor vehicle a policy of insurance complying with this Part shall be *prima facie* evidence of the fact so alleged.

(5) Any owner of a motor vehicle shall on being so requested by a member of the police force produce evidence that there is in force in respect of every motor vehicle owned by him a policy of insurance complying with this Part. The owner shall be deemed to have complied with this subsection if he produces the necessary evidence at a police station (to be nominated by the owner to the member of the police force at the time when the request is made) within five days of the time when its production was requested. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 40.

Any person who without just excuse fails to comply with this subsection shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(6) Every application for registration of a motor vehicle shall contain a statement by the owner of the vehicle or by the person applying for registration on behalf of that owner that a policy of insurance complying with this Part is in force and a statement of the name of the insurer who has issued the policy.

Requirements in respect of policies.
Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 36.
Inserted by 2332, 1936, s. 31.

70c. (1) In order to comply with this Part, a policy of insurance must—

(*a*) be issued by an approved insurer:

(*b*) except as provided in this section insure the owner of the vehicle mentioned in the policy and any other person who at any times drives that vehicle, whether with or without the consent of the owner, in respect of all liability for negligence which may be incurred by that owner or other person in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle.

(2) A policy of insurance shall be deemed to comply with this Part notwithstanding that the liability of the insurer—

(*a*) is limited to two thousand pounds in respect of any claim made by or in respect of any passenger carried in the vehicle mentioned in the policy, and to twenty thousand pounds in respect of all claims made by or in respect of such passengers, and such limits shall be inclusive of all costs in relation to any such claim or claims:

(*b*) does not indemnify the insured in respect of any claim based on the death of, or injury suffered by, any person who at the time of the accident was—

(i.) the spouse or a child or other relative of the insured of a degree not more remote than the fourth:

(ii.) a servant of the insured:

Subpara. (iii.) repealed by 2416, 1938, s. 25 (1).

* * * * * * * * * * *

Inserted by 2416, 1938, s. 25 (1).

(2a) Every policy which relates to a vehicle used for the carriage of passengers for hire by a person a substantial part of whose usual business is such carriage must indemnify the insured in respect of any claim based on the death of or bodily injury to any person who, as a passenger carried or about to be carried for hire, was being conveyed in or on or was entering or alighting from that vehicle. Except as mentioned in this subsection, it shall not be necessary to insure against any claim for death of or injury to any person driving or being conveyed in or on, or entering or alighting from any vehicle.

* * * * * * * * * * *

Subsec. (3), repealed by 2416, 1938, s. 25 (2).

70d. (1) Any person who has obtained a judgment against an insured person in respect of death or bodily injury caused by negligence in the use of a motor vehicle specified in a policy of insurance under this Part may recover by action from the insurer such amount of the money (including costs or a proportionate part thereof) payable pursuant to the judgment as relates to death or bodily injury and is unsatisfied: Provided that before the action in which judgment was obtained against the insured person, came on for hearing, the insurer knew that that action had been commenced: Provided also that the right to recover under this subsection shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified or as to the persons in respect of whose death or injury the insured is indemnified.

Liability of insurers. Cf. U.K. 24 & 25 Geo 5 c. 50, s. 10.

Inserted by 2332, 1936, s. 31.

Proviso substituted by 2416, 1938, s. 26 (1).

(2) Where an insured person has caused death or bodily injury by negligence in the use of a motor vehicle specified in a policy of insurance under this Part but that insured person is dead or cannot be served with process, any person who could have obtained a judgment in respect of the death or bodily injury so caused against that insured person if he were living or if he had been served with process may recover by action against the insurer the amount of the judgment which he could have so recovered against the insured person: Provided that he cannot so recover unless he proves that he gave to the insurer notice of the claim and a short statement of the grounds thereof as soon as possible after he knew that the insured person was dead or could not be served, or that such notice was given within such time as would prevent the possibility of the insurer being prejudiced by want of such notice.

(3) Where the driver of a motor vehicle has caused death or bodily injury by negligence in the use of a motor vehicle, but the identity of the vehicle cannot be ascertained, any person who could have obtained a judgment in respect of the death or bodily injury so caused against that driver may obtain by action against a nominal defendant to be named by the Treasurer the judgment which in the circumstances he could have recovered against the driver of the vehicle: Provided that as soon as possible after he knew that the identity of the vehicle could not be ascertained, he gave to the Treasurer notice of the claim and a short statement of the grounds thereof.

(4) It shall be no defence by an insurer to an action against him under this section that he is not liable under a policy of insurance by reason of the fact that—

(*a*) the policy was obtained by any mis-statement or non-disclosure whether fraudulent, material, or otherwise;

(*b*) the insured person has committed any breach of any term, condition or warranty of a policy or any provision of this Part; or

(*c*) the insured has failed to comply with any condition of the policy as to what the insured person should do or should not do after the event giving rise to liability.

(5) The insurer may, in addition to any other right or remedy he may have, recover from the insured person liable in respect of any such accident, and if two or more persons were so liable from those persons jointly and severally—

(*a*) such part of any judgment so obtained against the insurer; or

(*b*) such sums as the insurer has paid in payment settlement or compromise of the claim or judgment against the insured person or the insurer; and

(*c*) such costs and expenses,

as would not have been recovered from or incurred or paid by the insurer but for the last preceding subsection of this section, and that amount may be recovered either in a separate action or by means of third party procedure in the action against the insurer by the person who obtained the judgment: Provided that if the insured person has made any written request to the insurer that he should settle or compromise up to any specified sum or should pay or should contest the claim, and if the insurer acts unreasonably in failing to comply with such request then the insurer shall not recover more than the amount of the liability which the insurer would have paid or incurred if he had not so acted unreasonably.

(6) This section shall not apply—

Amended by 2416, 1938, s. 26 (2).

(*a*) so as to confer any rights against an insurer upon the spouse or a child or other relative of the insured person of a degree not more remote than the fourth; or upon a servant of the insured person or any passenger (other than a passenger carried or about to be carried for hire in a vehicle such as

mentioned in subsection (2a) of section 70c of this Act), in, or any person entering or alighting from, or about to enter or alight from the vehicle specified in the policy, nor

(*b*) so as to make an insurer liable for more than two thousand pounds (including costs) in respect of any one passenger nor more than twenty thousand pounds (including costs) in respect of all passengers in the motor vehicle specified in the policy if at the material time it was being used in the business of carrying passengers for hire: Amended by 2416, 1938, s. 26 (2).

(*c*) to any accident which happened before the commencement of this Part.

(7) A nominal defendant shall not be liable to satisfy any judgment obtained against him but the judgment and the nominal defendant's costs shall be paid by all those who were approved insurers at the date of the accident giving rise to the liability in proportions determined by the Treasurer who, in so determining, shall have regard to the premium income for insurance under this Part received by each such insurer during the previous year.

The Treasurer may out of the general revenue of the State and without any appropriation other than this Act pay the amount of any judgment obtained against a nominal defendant under this section and of the nominal defendant's costs; and the approved insurers who are under this subsection liable for such judgment and costs shall upon demand made by the Treasurer repay to him their respective proportions of any amounts so paid by him. Inserted by 2416, 1938, s. 27.

(8) No policy shall be deemed to comply with this Act if any term, warranty or condition thereof is in form or substance a term, warranty or condition of which the committee appointed under section 70m. of this Act has expressed its disapproval by notice in the *Gazette*: Provided that every such notice shall come into effect upon the expiration of three months after the publication thereof in the *Gazette* and not earlier. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 38; 24 & 25 Geo. 5 c. 50, s. 12.

70e. (1) Upon the happening of any accident which results in the death of or causes bodily injury to any person and is caused by, or arises out of the use of a motor vehicle, the driver and the person in charge thereof shall give written notice forthwith to the insurer concerned, and such notice (which notice shall not be subject to discovery or admissible Duties of owner or insurer. Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 13. Inserted by 2332, 1936, s. 31.

in evidence in any proceedings except proceedings for an offence under this section) shall set forth the following information with as full particulars as the owner is able to give:—

(*a*) The fact of the accident:

(*b*) The time and place at which it occurred:

(*c*) The circumstances of the accident:

(*d*) The name and address of any person killed or injured therein:

(*e*) The names of any witnesses of the accident.

(2) When neither the driver nor the person in charge of the motor vehicle is the owner of the motor vehicle concerned the owner shall give a like notice immediately upon the accident coming to his knowledge.

(3) An insured person, immediately upon any claim being made upon him in respect of an accident, shall give notice of the claim to the insurer concerned, and supply to that insurer such particulars of the claim as he requires.

(4) If any person fails to comply with any requirement of subsection (1) or subsection (3) of this section he shall be guilty of an offence and liable to a fine not exceeding five pounds.

(5) An insured person shall not, without the consent in writing of the insurer concerned—

(*a*) enter upon, or incur any expense in, any litigation:

(*b*) make any offer or promise of payment or settlement:

(*c*) make any payment or settlement: or

(*d*) make any admission of liability,

in respect of any claim in respect of which he is insured with such insurer, but this provision shall not prevent any person truthfully answering any question reasonably asked of him.

(6) The insurer shall be entitled to recover from an insured person who has failed to comply with any provision of this section all moneys paid and costs incurred by the insurer in relation to any claim arising out of the accident in respect of which such failure has occurred.

70f. (1) The insurer may on behalf of the insured, conduct the negotiations in respect of any claim against the insured, and may assume the conduct and control of any legal proceedings in respect of any such claim, and at any stage of those negotiations or proceedings may pay, compromise, or settle any such claim.

Power of insurers to deal with claims against insured.

Inserted by 2332, 1936, s. 31.

(2) The insured shall sign and execute all such warrants, authorities, and other documents as are necessary to give effect to this section, and, if the insured makes default in doing so or is absent or cannot be found, the warrants, authorities, or other documents may be signed or executed by the insurer on behalf of the insured.

(3) Where, as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property, and claims are made in respect of the death or bodily injury and also in respect of the damage to property, and the person against whom claims are made is insured against his liability for death or bodily injury but not against his liability for damage to property, then nothing said or done in any negotiations for settlement of either of the claims, and no judgment given in any legal proceedings in respect of either of the claims, shall be evidence in any legal proceedings in respect of the other claim unless the negotiations or proceedings in respect of both claims are conducted or controlled by the person against whom the claims are made with the authority of the insurer, or by the insurer with the authority of the said person.

Inserted by 2416, 1938, s. 28.

70g. (1) Where—

Emergency treatment.

Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 16.

Inserted by 2332, 1936, s. 31.

(*a*) (i.) any legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to any person caused by or arising out of the use of a motor vehicle; or

(ii.) the person so injured is immediately after such injury conveyed in any vehicle; and

* * * * * * * * * * *

Para. (b), repealed by 2416, 1938, s. 29 (a).

(*c*) notice in writing of a claim under this section is given by the medical practitioner, nurse, or person who conveyed the injured person, to the insurer who issued the policy of insurance in force under this Part in relation to the said motor vehicle within one month after the occurrence out of which the death or bodily injury arose,

Amended by 2416, 1938, s. 29 (b).

the insurer shall make such of the following payments as are applicable to the case:—

(i.) To the medical practitioner the sum of twelve shillings and six pence for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered:

(ii.) To the nurse the sum of ten shillings and six pence for all emergency treatment rendered by her to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered which sum shall, if emergency treatment is rendered to two or more persons, be deemed to have been paid on behalf of all those persons in equal shares:

(iii.) To any person who conveyed the injured person as mentioned in paragraph (*a*) of this subsection, an amount to be ascertained in accordance with the regulations.

Substituted by 2416, 1938, s. 29 (c).

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles in respect of which policies were issued by different insurers each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

(*a*) of the owner or driver of such motor vehicle in respect of the death or bodily injury; and

(*b*) of the insurer to the owner or driver in respect of the contract of insurance,

Inserted by 2416, 1938, s. 29 (d).

(*c*) of the injured person or his personal representatives to the person to whom the payment is made under this section,

shall be reduced by the amount paid by the insurer under this section.

(4) In this section "emergency treatment" means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of any such injury as mentioned in subsection (1).

(5) Every policy issued in pursuance of this Part of this Act which is in force at the time of the enactment of this subsection shall be deemed to impose an obligation on the insurer named therein to make the payments prescribed by this section. Inserted by 2416, 1938, s. 29 (e).

Every policy of insurance issued after the enactment of this subsection shall not be deemed to comply with this Part unless it binds the insurer to make the payments prescribed by this section.

(6) A sum payable under this section shall be recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum. Inserted by 2416, 1938, s. 29 (e).

(7) The Commissioner of Police shall if so requested by a person who alleges that he is entitled to a payment under this section furnish that person with any information at his disposal as to the identification marks of any motor vehicle which that person alleges to be a motor vehicle out of the use of which the death or bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose. Inserted by 2416, 1938, s. 29 (e).

(8) Any person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use, shall upon request of any person who alleges that he is entitled to payment under this section, furnish such person with the name and address of the insurer who issued the policy in force in relation to that vehicle at the time of the death or injury. Inserted by 2416, 1938, s. 29 (e).

70h. (1) Where— Hospital treatment. U.K. 24 & 25 Geo. 5 c. 50, s. 16. Inserted by 2332, 1936, s. 31.

(*a*) any payment is made (whether or not with an admission of liability) by an insurer, under or in consequence of a contract of insurance under this Part, in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle; and

(*b*) the person who has so died or been injured received treatment at a hospital, whether as an in-patient or as an out-patient in respect of the bodily injury (fatal or otherwise) so caused or arising; and

(*c*) notice in writing of a claim under this section is made by that hospital to the insurer within one month after the occurrence out of which the death or bodily injury arose,

there shall be paid by the insurer to the hospital the amount owing to the hospital in respect of treatment afforded to the person who has so died or been injured.

(2) Where two or more insurers make payments under or in consequence of a contract of insurance under this Part in respect of the death or of bodily injury to a person caused by or arising out of the use of two or more motor vehicles each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

(*a*) of the owner or driver of the motor vehicle in respect of the death or bodily injury; and

(*b*) of the insurer to the owner or driver in respect of the contract of insurance,

shall be deemed to be reduced by the amount paid by the insurer to the hospital under this section.

(4) The amount to be paid by the insurer to the hospital in respect of any such bodily injury (fatal or otherwise), shall not exceed fifty pounds for each person so treated as an in-patient or five pounds for each person so treated as an out-patient: Provided that in either case the amount to be paid to the hospital as aforesaid shall not exceed one-fifth of the total amount (exclusive of costs) paid by the insurer in respect of such fatal or bodily injury.

(5) If the person who has died or been bodily injured has received treatment at more than one hospital, and the total amount owing to those hospitals in respect of treatment afforded to that person exceeds fifty pounds, the sum of fifty pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

(6) The insurer shall not be liable to pay the amounts payable under this section as well as the amount payable under the Public Hospitals (Charges) Act, 1931, but shall pay the larger of such amounts.

Actions to be tried without jury.

Inserted by 2332, 1936, s. 31.

70i. Every action brought against the owner or driver of a motor vehicle for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of that vehicle, shall be tried without a jury.

s. 70h. (6) The Public Hospitals (Charges) Act, 1931, has been repealed by the Hospitals Act, 1934, and superseded by Part VI. of that Act.

Insurance by visiting motorists.

Inserted by 2332, 1936, s. 31.

70j. The registrar shall not grant a certificate of temporary registration in respect of any motor vehicle of a person visiting the State unless in his opinion that person is adequately insured against any liability which may be incurred by him in respect of the death of or bodily injury to any person caused by or arising out of the use of that motor vehicle in the State.

Power to suspend or cancel drivers' licences on application of approved insurer.

Inserted by 2332, 1936, s. 31.

70k. (1) Any approved insurer may apply on complaint to a court of summary jurisdiction for an order that any person be disqualified for such period as the court fixes from holding and obtaining a driver's licence.

(2) If it is proved to the satisfaction of the court that the defendant is likely, in the event of his continuing to drive motor vehicles, to endanger unduly the safety of the public, the court may make such order under subsection (1) as it thinks just.

(3) An insurer shall not terminate a policy of insurance complying with this Part before its expiry by effluxion of time except upon fourteen days' notice in writing given to the person to whom the policy was issued and to the Registrar of Motor Vehicles, unless the insurer substitutes another policy of insurance which complies with this Part, and commences immediately upon the termination of the previous policy.

(4) Upon the termination of the policy on such a notice, the motor vehicle specified in the policy shall be an unregistered vehicle unless and until the registrar is satisfied that another policy of insurance has been issued in respect of the use of that vehicle.

Information to be furnished by insurers.

Inserted by 2332, 1936, s. 31.

701. (1) Every approved insurer shall, whenever so required by the Treasurer, furnish to the Treasurer such information as the Treasurer reasonably requires relating to the following matters:—

(*a*) Premiums received for insurance under this Part:

(*b*) Claims paid under this Part:

(*c*) Persons insured under this Part:

(*d*) Any other matters relevant to this Part.

(2) Any insurer who without lawful excuse fails to furnish any information to the Treasurer within two months after receipt of a written notice demanding such information shall be guilty of an offence and liable to a penalty of one hundred pounds.

(3) Any insurer who wilfully or negligently furnishes any false information to the Treasurer shall be guilty of an offence and liable to a penalty of two hundred pounds.

Inquiries into premium.

Inserted by 2332, 1936, s. 31.

70m. (1) Upon the recommendation of the Treasurer the Governor may from time to time appoint a committee to enquire into and report upon the question whether the premiums charged for insurance under this Part are fair and reasonable.

(2) The persons appointed to such a committee shall be—

(*a*) a judge of the Supreme Court or a special magistrate or a legal practitioner actually practising law, who shall be chairman:

(*b*) the Public Actuary:

(*c*) two persons appointed as representing owners of motor vehicles:

(*d*) two persons appointed as representing approved insurers.

(3) The members referred to in paragraphs (*c*) and (*d*) of the last preceding subsection shall be appointed after consultation with such body or bodies as in the opinion of the Treasurer represent the interests of approved insurers and owners of motor vehicles respectively.

(4) The committee shall have all the powers of a Royal Commission, and the Royal Commissions Act, 1917, with the necessary modifications shall apply to the chairman and other members of the committee and its proceedings and to witnesses and persons summoned as witnesses before the committee.

(5) The Treasurer shall lay every report of the committee before Parliament.

Summary procedure.

Inserted by 2332, 1936, s. 31.

70n. Proceedings for any offence against this Part shall be disposed of summarily.

Regulations.

Inserted by 2332, 1936, s. 31.

70o. The Governor may make any regulations necessary or convenient for carrying this Part into effect or for facilitating the operation of this Part, and may by any regulation impose penalties recoverable summarily and not exceeding twenty pounds for breach of any regulation.

70p. Any contract (whether under seal or not) by virtue of which any person in advance contracts out of any right to claim damages or any other remedy for the negligence of any other person in driving a motor vehicle shall to that extent be void.

Contracting out of liability for negligence.
Inserted by 2416, 1938, s. 30.

70q. Notwithstanding anything in any enactment, a person issuing a policy of insurance whether under this Part or otherwise in relation to a motor vehicle shall, as from the date of the policy, be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of these persons or classes of persons.

Rights of persons named in policies.
Inserted by 2416, 1938, s. 30.

70r. (1) Where any claim has been made by or on behalf of any person for bodily injury caused by or arising out of the use of a motor vehicle, such person shall from time to time if and as required by the person against whom the claim is made, submit himself for examination by a duly qualified medical practitioner provided and paid by the person against whom the claim is made: Provided that a person shall not be required to submit himself for examination under this section otherwise than in accordance with such regulations (if any) as may be made by the Governor nor at more frequent intervals than are prescribed by those regulations.

Medical examination of claimants.
Inserted by 2416, 1938, s. 30.

(2) If any person refuses to submit himself to any examination as required by this section, or in any way obstructs the exmination his right to commence proceedings or (if commenced) to continue proceedings shall be suspended until the examination has taken place.

(3) A person shall not be entitled to any damages or compensation for any period during which he refuses to submit himself to or obstructs the examination or during which he has unreasonably delayed making a claim.

(4) Upon demand made by or on behalf of the person submitting himself to an examination under this section the person against whom the claim is made shall deliver to him a full and true copy of any report of the medical practitioner, and if default is made in such delivery for one week the report shall cease to be privileged from discovery.

70s. (1) No person shall directly or indirectly for personal gain—

Soliciting instructions to persons claiming.
Inserted by 2416, 1938, s. 30.

(*a*) solicit or hold himself out as being willing to accept instructions or authority to act on behalf of any other person in respect of the making or commencement of any claim or action for damages for the

death of or bodily injury to any person arising out of the use of a motor vehicle or in respect of the negotiation, compromise or settlement of such claim or action; or

(*b*) on behalf of any other person make or commence or cause to be made or commenced any claim or action for such damages aforesaid, or negotiate settle or compromise any such claim or action when made or commenced.

(2) This section shall not apply to any solicitor or barrister who is carrying on his profession in the ordinary way nor to any officer of an association acting in the course of his duties for a member of such association.

(3) Any agreement to pay any money for work done or services rendered contrary to this section shall be void, and any money so paid shall be recoverable by the person who has paid it.

PART III.

PART III.

LICENSING OF VEHICLES OTHER THAN MOTOR VEHICLES.

Interpretation.
1699, 1925, s. 3.
1823, 1927, s. 3.

71. In this Part, unless the context otherwise requires—

"licence" means a licence issued pursuant to this Part and "licensed" and "unlicensed" have corresponding meanings:

"metropolitan area" means the Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, and Woodville, and the District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Walkerville, West Torrens, and Yatala South, and

s. 71. (Definition of "metropolitan area.") The district council district of Burnside has been constituted a municipality, *Gazette* 16th May, 1935, p. 1308, and the name of the district council district of Yatala South has been altered to Enfield, *Gazette* 11th July, 1935, p. 38.

the Garden Suburb, and any other municipalities and district council districts or parts of municipalities or district council districts contiguous to any part of the metropolitan area as defined for the time being to which the Governor, by proclamation, declares that this Act shall apply:

"owner" includes the holder under a hire purchase agreement and the verb "to own" has a corresponding meaning:

"registrar" means the Registrar of Motor Vehicles holding office under Part II. of this Act, or any deputy registrar of motor vehicles:

"road" includes every public road, street, terrace, thoroughfare, or other public place, and every private road or street commonly used by the public, or to which the public are permitted to have access:

"vehicle" means every vehicle of any description whatsoever which is drawn or propelled by animal but not human power and used or ordinarily intended to be used on roads or streets.

Exemption of certain vehicles. 1699, 1925, s. 4.

72. The following vehicles are exempted from the operation of this Part, namely:—

(*a*) Every vehicle owned by the Fire Brigades Board, or any volunteer fire brigade:

(*b*) Any ambulance vehicle for the use of which no charge is made:

(*c*) Any vehicle owned by the corporation or council of any municipality, or by any district council, and used solely in connection with the construction and maintenance of roads.

Duty to obtain licences for vehicles. 1699, 1925, ss. 5, 10, 11. Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 13.

73. (1) Any person who on any road within the metropolitan area drives, or causes or permits to be driven, any vehicle which is not licensed pursuant to this Part shall be guilty of an offence and liable to a penalty of not more than twenty pounds.

(2) Any person who owns any vehicle which is driven on any road within the metropolitan area and is not licensed pursuant to this Part shall be guilty of an offence and liable to a penalty of not more than twenty pounds.

Applications for and issue of licences.
1699, 1925, ss. 5 (2), 6.

74. (1) A licence may be obtained on application duly made in accordance with this Part and the regulations to the registrar or some other person authorised for that purpose by the Minister.

(2) No licence shall be issued to any applicant unless and until the fee as set out in the next succeeding section has been paid to the registrar or other person authorised pursuant to the last preceding subsection.

(3) Every application for a licence shall be made during the currency of the year in which the licence is to have effect or in the month immediately preceding that year.

Fee for licence.
1699, 1925, The Schedule. 1823, 1927, s. 5.
Cf. U.K. 51 & 52 Vict. c. 8, s. 4; 10 & 11 Geo. 5 c. 72, s. 7 (6).

75. (1) The licence fee for a vehicle shall be calculated as follows:—

(*a*) If the weight unladen of the vehicle does not exceed 25cwts. the fee shall be calculated at the rate of two shillings per cwt. of such weight:

(*b*) If the weight unladen of the vehicle exceeds 25cwts. but does not exceed 40cwts. the fee shall be calculated at the amount of the fee for a vehicle of 25cwts., plus five shillings for every cwt. by which the weight unladen of the vehicle exceeds 25cwts.

(*c*) If the weight unladen of the vehicle exceeds 40cwts. the fee shall be calculated at the amount of the fee for a vehicle of 40cwts., plus nine shillings for every cwt. by which the weight unladen of the vehicle exceeds 40cwts.

The weight of a vehicle shall be calculated to the nearest hundredweight.

(2) Where a licence is issued to take effect from a date between the thirty-first day of March and the thirtieth day of September in any year one-half the amount payable for a licence for a year shall be payable.

(3) Notwithstanding the foregoing provisions of this section—

(*a*) the minimum fee payable for a licence for a vehicle used or ordinarily capable of being used solely or mainly for the carriage of goods or merchandise shall be one pound, or, if the licence is issued between the first day of April and the thirtieth day of September, ten shillings; and

(*b*) the minimum fee payable for a licence for any other vehicle shall be ten shillings, or, if the licence is issued between the first day of April and the thirtieth day of September, five shillings.

Duration of licences. 1699, 1925, s. 6 pt.

76. Every licence shall remain in force until the thirtieth day of September next after the day on which it commences to take effect.

Evidence in support of application for licence. 1699, 1925, s. 7. Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 5 (1).

77. The applicant for a licence shall produce to the registrar or other person authorised to issue licences such evidence as to the nature and weight of the vehicle in respect of which a licence is applied for as the registrar or other person authorised as aforesaid requires or as is prescribed.

Licence discs. 1699, 1925, s. 8. 1823, 1927, s. 4. Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 6.

78. (1) The registrar or other person issuing a licence shall deliver to the applicant a metal disc of a size and shape to be fixed annually by the Minister by notice published in the *Gazette,* and to be annually varied, on which shall be inscribed the year of issue and any other particulars which may be prescribed.

(2) The disc shall, during the whole period in respect of which it is issued, be kept securely affixed to the vehicle in respect of which the disc and the licence are issued.

(3) Any person—

(*a*) who drives a vehicle licensed under this Part to which vehicle there is not affixed the metal disc delivered with the licence for such vehicle to the person applying for the same; or

(*b*) who drives a vehicle licensed under this Part on which vehicle the said disc is affixed otherwise than in the manner prescribed by this Part or any regulation under this Part,

shall be guilty of an offence, and shall be liable to a penalty not exceeding ten pounds.

Duplicate licences and discs. 1699, 1925, s. 9.

79. (1) Upon application, the registrar or other person authorised to issue licences, may, on proof to his satisfaction of the loss or destruction of any licence or disc, and on payment of a fee of two shillings and sixpence, issue to the applicant a duplicate licence or disc.

(2) Any such duplicate licence or disc shall be effectual for all purposes as if it were the original licence or disc.

Penalty for affixing discs to wrong vehicles.
1699, 1925, s. 12.

80. Any person who affixes any disc issued pursuant to this Part, to any vehicle other than the vehicle in respect of which the disc was issued, shall be guilty of an offence liable to a penalty of not more than twenty pounds.

Penalty for unlawfully obtaining licence.
1699, 1925, s. 13.
Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 13 (2), (11).

81. Any person who—

(*a*) by any false statement or misrepresentation obtains or attempts to obtain a licence or disc under this Part; or

(*b*) without lawful excuse has in his possession a licence or disc, or any article resembling a licence or disc and liable to be mistaken therefor; or

(*c*) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence or disc,

shall be guilty of an offence and liable to a penalty of twenty pounds.

Facilitation of proof.
1699, 1925, s. 14.
Cf. U.K. 10 & 11 Geo. 5 c. 72, s. 13 (3).

82. In any proceedings for an offence against this Part—

(*a*) proof that a vehicle has not affixed upon it a disc of the size and shape fixed by the Minister for the current year shall be *prima facie* evidence that the vehicle is unlicensed;

(*b*) the allegation in the complaint that any person is the owner of a vehicle shall be *prima facie* evidence that that person is the owner of the vehicle;

(*c*) the allegation in the complaint that any place is a road shall be *prima facie* evidence that the place is a road within the meaning of this Part;

(*d*) the allegation in the complaint that any road wherein it is alleged that any such offence was committed is situated within the metropolitan area shall be *prima facie* evidence that the road is situated as alleged; and

(*e*) any conveyance shall be deemed to be a vehicle within the meaning of this Part unless the defendant satisfies the court to the contrary.

Summary proceedings for offences.
1699, 1925, s. 15

83. All proceedings in respect of offences against this Part shall be disposed of summarily.

Regulations.

84. The Governor may make any regulations necessary or convenient for carrying into effect the provisions and objects of this Part, including (though without limiting the operation of this section) regulations in respect of the following matters:—

I. the form of licence and the application therefor:

II. any matters in this Part left to be expressed or ascertained by regulations.

PART IV.

PART IV.

WIDTH OF TIRES.

Interpretation. 1580, 1923, s. 3.

85. In this Part, unless some other meaning is clearly intended—

"council" means a municipal or district council, and includes the Renmark Irrigation Trust No. 1:

"inspector" means inspector of the Highways and Local Government Department appointed for the purposes of this Act by the Minister:

"load" includes everything inanimate or animate carried on a vehicle:

"local government area" or "area" means a municipality or a district council district, and includes the area of the Renmark Irrigation Trust No. 1:

"motor vehicle" means any motor vehicle within the meaning of Part II. of this Act: Provided that the term shall not include—

(*a*) any motor vehicle not used exclusively or principally for the conveyance of goods; or

(*b*) any trailer, semi-trailer, or jinker:

"non-mechanical vehicle" means any wagon, dray, trolly, cart, car, truck, or any other vehicle drawn or propelled by animal power, or any trailer, semi-trailer, or jinker attached to any vehicle (howsoever drawn or propelled) or to any motor vehicle; but does not include any motor vehicle:

Part IV. JAMES v. JOHNSON (1922) S.A.S.R. 294. The term "carry" in Part IV. means to support or sustain and applies to a stationary vehicle. Held, that the weight of the load carried by a jinker usually connected with a horse dray, was its weight ascertained when the jinker was disconnected from the dray and stationary.

"owner", when used in relation to a vehicle, includes not only the owner but also the hirer or borrower or other person for the time being entitled to the possession of the vehicle and also any manager, overseer, foreman, agent, or other representative of the owner with whose orders the driver or other person in charge of the vehicle is bound to comply:

"road" means any street, road, terrace, thoroughfare, court, lane, alley, cul-de-sac, or other place, commonly used by the public, or to which the public are permitted to have access:

"vehicle" includes motor vehicles and non-mechanical vehicles:

"width", when used in relation to the tire (being a metal tire) of a wheel of a vehicle, means the width of the bearing surface of the tire which would actually come in contact with or bear upon a road when the wheel is attached to the axle and the vehicle is ready for use, and when used in relation to the tire (being a rubber tire) of a wheel of a vehicle shall mean the distance between the inside of the flanges on the rim of such wheel.

Maximum axle load for non-mechanical vehicles. 1580, 1923, s. 4 (2).

86. Any person who drives or causes or permits to be driven on any road any four-wheeled non-mechanical vehicle carrying on any axle thereof a greater weight than the maximum which may, in accordance with the rules contained in section 92 lawfully be carried on a two-wheeled vehicle fitted with wheels of the same diameter and width of tire as the two wheels turning on such axle shall be guilty of an offence.

Maximum total load for non-mechanical vehicles. 1580, 1923, s. 4 (1).

87. Any person who drives or causes or permits to be driven on any road—

(*a*) any non-mechanical vehicle carrying a weight greater than that calculated in accordance with the rules contained in section 92;

(*b*) any non-mechanical vehicle having metal tires and carrying a weight greater than that calculated at the rate of five tons for each axle of such vehicle; or

(*c*) any non-mechanical vehicle having rubber tires and carrying a weight greater than that calculated at the rate of six tons for each axle of the vehicle,

shall be guilty of an offence.

Maximum axle load for motor vehicles. 1580, 1923 s. 6 (1)

88. Any person who drives or causes or permits to be driven on any road—

(*a*) any motor vehicle carrying on any axle thereof a greater weight than the maximum which may lawfully in accordance with the rules contained in section 92 be carried on a two-wheeled vehicle fitted with wheels of the same diameter and width of tire as the two wheels turning on such axle;

(*b*) any motor vehicle having metal tires and carrying on any axle thereof a greater weight than six tons and ten hundredweights; or

(*c*) any motor vehicle having rubber tires and carrying on any axle thereof a greater weight than eight tons,

shall be guilty of an offence.

Maximum total load for motor vehicles. 1580, 1923, s. 6 (2).

89. Any person who drives or causes or permits to be driven on any road any motor vehicle carrying a weight greater than that computed in accordance with the rules contained in section 92 shall be guilty of an offence.

Exemptions. 1580, 1923, s. 4 (4).

90. The provisions of this Part as to the maximum total load or maximum axle load for vehicles shall not apply to—

(*a*) any tractor or traction engine not usually used upon a road; or

(*b*) the conveyance of any piece of heavy machinery or other merchandise which cannot be taken apart without great expense or loss: Provided that the vehicle conveying such machinery follows the special route (if any) along which the town or district clerk of every municipality or district through which such machinery is carried, has ordered that it be conveyed to its destination.

Penalty. 1580, 1923, ss. 4 (3), 6 (3).

91. If any person is guilty of an offence against section 86, 87, 88, or 89, he shall be liable to a penalty calculated at the rate of not less than two shillings and six pence for each hundredweight or part of a hundredweight carried in excess of the weight allowed by this Act.

Rules as to maximum weight.
1580, 1923, The Schedule.

92. The rules for determining by reference to the width of tires, the maximum weight which may be carried by any vehicle are as follows:—

I. The maximum weight which may be carried on any vehicle shall be calculated at the rate of seven hundredweights for each inch of the total width of the tires on all wheels fitted to such vehicle which are thirty inches or less in diameter and at the rate of eight hundredweights for each inch of the total width of the tires on all wheels fitted to such vehicle which are more than thirty inches in diameter: Provided that where the vehicle has metal tires and carries a load any part of which exceeds ten feet in height from the level of the roadway or ten feet in width the maximum weight shall be calculated at the rate of seven hundredweights for each inch of the total width of all tires on all wheels fitted to such vehicle. This proviso shall not apply to any part of the State outside a radius of fifty miles from the General Post Office, Adelaide:

II. In computing the maximum weight which may be carried on a three-wheeled vehicle that vehicle shall be treated as if it were a two-wheeled vehicle fitted with two wheels of such vehicle which turn on the same axle:

III. (*a*) For the purpose of these rules if the two wheels on any vehicle which turn on the same axle are not of the same width the wider tire shall be deemed to be of the same width as the narrower tire:

(*b*) The total width of each tire shall be calculated to the nearest half inch:

IV. In computing the actual weight carried on any vehicle or axle the weight of the vehicle itself shall be taken into account:

V. These rules apply in respect to all vehicles.

Rules to be observed with respect to tires.
1580, 1923, s. 5.

93. (1) The following rules shall be observed in respect of every vehicle having metal tires on any road:—

I. The tire of each wheel of any such vehicle shall have an even-bearing surface across its full width:

II. No tire of any such vehicle shall be less than one-and-a-quarter inches in width.

(2) If any vehicle in respect of which any of the said rules is not complied with is on any road, the person in charge of such vehicle and also the owner of such vehicle shall be guilty of an offence: Provided that both shall not be punished in respect of the same non-compliance.

(3) This section shall not apply to any vehicle not plying for hire, and constructed or adapted and ordinarily used for the carriage of passengers only, even if goods or merchandise are on any particular occasion carried in such vehicle.

Authorised officers. 1580, 1923, s. 7. 1714, 1925, s. 2.

94. (1) Any council may appoint any person to be an authorised officer for the purpose of carrying out the provisions of this Part within the area of such council, and any person so appointed shall, within the area of the council appointing him, be an authorised officer for the purposes of this Part.

(2) The Minister may appoint any person to be an authorised officer for the purpose of carrying out the provisions of this Part in any part of the State, and any person so appointed shall, within any such part of the State, be an authorised officer for the purposes of this Part.

Weighing machines. 1580, 1923, s. 8. 1641, 1924, s. 2.

95. (1) Any council may within its area erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise, or may provide any weighing apparatus of a prescribed kind for similar purposes, and may license any weighing machine erected, or any such apparatus as aforesaid provided, by any person within its area.

(2) The Minister may in any part of the State erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise, or may provide any weighing apparatus of a prescribed kind for similar purposes, and may license any weighing machine erected, or any such apparatus as aforesaid provided, by any person within any part of the State not within a local government area.

Vehicles and load to be weighed if required. 1580, 1923, s. 9.

96. (1) Every person in charge of a vehicle on any road shall, if required by any member of the police force, any inspector, or any authorised officer, forthwith cause such vehicle, with the load (if any) thereon, to be weighed by means of any available weighing apparatus of a prescribed kind provided or licensed by a council or the Minister, or at the most convenient weighing machine erected or licensed by

a council or the Minister, for the purpose of ascertaining the weight of such vehicle, and the load thereon, or the weight carried on any axle of such vehicle.

(2) If there is any such weighing apparatus or such a weighing machine within one mile of the place where the requisition is made, and any such person refuses or fails to comply with any such requisition, that person shall be guilty of an offence.

Load may be measured.
1580, 1923, s. 10.

97. (1) Every person in charge of any vehicle on any road shall, if required by any member of the police force, any inspector, or any authorised officer, allow that member of the police force, inspector, or officer—

(*a*) to measure and examine such vehicle, or the tires or the load on such vehicle; or

(*b*) to ascertain the weight of the load on the vehicle, or the weight carried on any axle of such vehicle, by measurement or otherwise in accordance with the appropriate regulation.

(2) If any such person—

(*a*) refuses or fails to comply in any respect with subsection (1) of this section; or

(*b*) obstructs or interferes with any such member, inspector, or authorised officer, in doing any act mentioned in subsection (1),

he shall be guilty of an offence.

Weight ascertained in accordance with regulation *prima facie* proof.
1580, 1923, s. 11.

98. (1) The weight of the load on any vehicle ascertained in accordance with the appropriate regulation shall, in any proceedings in respect of any offence against this Act, be taken to be, in the absence of proof to the contrary, the actual weight of that load, unless the owner or the person in charge of the vehicle—

(*a*) at the time of the ascertainment as aforesaid, gives notice to such member of the police force, inspector, or authorised officer of his intention to have the load weighed at a weighing machine erected or licensed by a council or the Minister, or by means of any weighing apparatus of a prescribed kind provided or licensed by a council or the Minister; and

(*b*) forthwith upon such weighing delivers, or causes to be delivered, to such member of the police force, inspector, or authorised officer the document showing the result of such weighing.

(2) In the event of any proceedings for an offence against this Act in respect of the load so weighed, the document (if any) showing the result of such weighing received by such member of the police force, inspector, or authorised officer shall be produced to the court at the hearing.

(3) The weight carried on the axle of any vehicle ascertained in accordance with the appropriate regulation shall, in any proceedings in respect of any offence against this Act, be taken to be, in the absence of proof to the contrary, the actual weight carried on such axle.

Vehicles may be stopped and questions asked. 1580, 1923, s. 12.

99. (1) Any member of the police force, any inspector, or any authorised officer may require the person in charge of any vehicle on any road to stop, and may request such person to state his name and address and the name and address of the owner of the vehicle.

(2) Any person in charge of any vehicle on any road who—

(*a*) upon being requested to stop as aforesaid, refuses or fails to stop; or

(*b*) upon being requested to stop as aforesaid, refuses or fails to state his name or address, or the name or address of the owner of the vehicle, or states a false name or address,

shall be guilty of an offence.

(3) Any member of the police force may, without any warrant other than this Act, apprehend any person who is guilty of any offence under this section.

* * * * * * * * * *

S. 100 repealed by 2332, 1936, s. 32.

Vehicle to be weighed if required. 1580, 1923, s. 14.

101. (1) The owner of any vehicle, upon being served with a notice in the prescribed form signed by any member of the police force, any inspector, or any authorised officer and by a justice of the peace, requiring him with all practical speed to cause the vehicle to be weighed unladen by means of any apparatus of a prescribed kind provided or licensed by a council or the Minister, which is available, or on any weighing machine erected or licensed by a council or the Minister,

shall forthwith obey such order, and shall forthwith upon such weighing deliver, or cause to be delivered, to such member of the police force, inspector, or officer the document showing the result of such weighing.

(2) Any such owner who refuses or fails forthwith to obey any such order or forthwith upon such weighing to forward the document showing the result of such weighing, as provided by subsection (1) hereof, shall be guilty of an offence.

(3) This section shall not apply if—

(*a*) the distance from the place where such vehicle is at the time of service of the notice to such apparatus or the nearest weighing machine erected or licensed by a council or the Minister is greater than two miles; and

(*b*) the owner produces to the inspector or authorised officer signing such notice a statement of the weight of such vehicle signed by the person in charge of any such apparatus or weighing machine, wherever situated.

Regulations. 1580, 1923, s. 15.

102. (1) In addition to any power by any other section of this Part conferred on the Governor to make regulations (which power shall in every case be implied for the purpose of any section in which the word "prescribed" is used) the Governor may make regulations—

(*a*) prescribing the method of ascertaining the weight of the load on any vehicle, and the weight carried on any axle of any vehicle, whether by weighing, measurement, or otherwise; and

(*b*) prescribing the kinds of apparatus which the Minister or a council may provide or license for the weighing of vehicles, goods, or merchandise for the purposes of this Part; and

(*c*) prescribing all matters and things which by this Part are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of more effectually carrying out any of the provisions of this Part or for better effecting the objects of this Part.

(2) Any such regulation may fix penalties not exceeding in any case the sum of ten pounds for the breach of the same or any other regulation.

Alteration of maximum loads.
1580, 1923, s. 16.
1961, 1930, s. 3.

103. (1) The Governor may make regulations restricted in their application to any road or roads named therein, or any part or parts of the State described therein, prescribing for vehicles or any class of vehicles a maximum weight which may be carried on any such vehicle or on the axle thereof, lower than that fixed by or under this Part. Such regulations may definitely fix the maximum weight applicable to any case or may prescribe the method by which the said maximum weight is to be calculated, and may differentiate between vehicles having different kinds of tires.

(2) Any maximum weight so fixed shall, subject to the restrictions aforesaid, be deemed to be substituted for that fixed by or under the relevant provisions of this Part.

Evidence.
1580, 1923, s. 17.

104. In any proceedings for an offence against this Part—

(*a*) the production of a statement purporting to be signed by the person in charge of any apparatus of a prescribed kind owned or licensed by a council or the Minister, or any weighing machine erected or licensed by a council or the Minister shall be *prima facie* evidence of the weight of the load or of the vehicle therein specified, or of the weight both of such load and of such vehicle, or the weight carried on the axle of such vehicle; and

(*b*) any apparatus of a prescribed kind or weighing machine shall, until the contrary is proved, be deemed to be apparatus of a prescribed kind or a weighing machine erected or licensed by a council or the Minister (as the case may require) for the purposes of this Part.

Penalty.
1580, 1923, s. 18.

105. Any person who is guilty of any offence against this Part for which no other penalty is provided shall be liable for the first offence to a penalty of not more than ten pounds, and for every subsequent offence to a penalty of not less than two pounds and not more than twenty pounds.

Summary proceedings for offences.
1580, 1923, s. 19.

106. All proceedings in respect of offences against this Part shall be disposed of summarily.

Appropriation of penalties.
1580, 1923, s. 20.

107. All money collected as fines in respect of convictions under this Part shall be paid into general revenue: Provided that where any fine is imposed in respect of an offence committed within a local government area and the complaint in respect of the offence was made by an officer of the council of such area, one moiety of such fine shall be paid to the council for the use and benefit of the area.

PART V.

PART V.

LIGHTS AND EQUIPMENT ON VEHICLES OTHER THAN MOTOR VEHICLES.

Heading amended by 2416, 1938, s. 31.

Interpretation. 1370, 1919, s. 4. Cf. U.K. 17 & 18 Geo. 5 c. 37, s. 15.

108. In this Part, unless the context or subject matter requires a different construction—

"council" means any municipal or district council, and includes the Renmark Irrigation Trust No. 1:

"bicycle" does not include motor bicycle:

"inspector" means any inspector appointed by or under this Part:

"local government area" means a municipality or district council district, as the case may require, and includes the Renmark Irrigation District No. 1:

"owner", used with reference to a vehicle, includes not only the owner, but also the hirer or borrower or other person for the time entitled to the possession of the vehicle, and also any manager, overseer, foreman, agent, or other representative of the owner, with whose orders the driver or other person in charge of the vehicle is bound to comply:

"road" includes every public street, road, terrace, thoroughfare, or other public place, and every private street or road commonly used by the public, or to which the public are permitted to have access:

"tricycle" does not include motor tricycle:

"vehicle" means any vehicle other than a motor vehicle within the meaning of Part II. of this Act, and includes a handcart and a road roller.

Vehicles to carry lights at night. 1370, 1919, s. 5. 1858, 1925, s. 2. Cf. U.K. 17 & 18 Geo. 5 c. 37, s. 1.

109. (1) No person shall drive upon any road or cause or permit to be upon any road at any time between half an hour after sunset and half an hour before sunrise, any vehicle which has not attached thereto:—

(*a*) two lighted lamps carried one on each side of such vehicle, each lamp being so constructed and carried as to show a bright white light in front of such vehicle; and

s. 109. YELLOW CABS (SOUTH AUSTRALIA) LIMITED v. BLIGHT (1929) S.A.S.R. 118. Failure to comply with section 109 may be negligence.

(*b*) a lighted lamp carried on the off side of the rear of such vehicle, such lamp being so constructed and carried as to show a red light at the rear of such vehicle, which said light is clearly visible to any person approaching the vehicle from the rear.

(2) No person shall drive upon any road or cause or permit to be upon any road at any time between half an hour after sunset and half an hour before sunrise any vehicle which, or the load on which, is more than seven feet wide unless that vehicle carries attached to the extreme off side of the vehicle or, where there is a load projecting from the off side of the vehicle, at the extreme off side of the load, a lighted lamp so constructed and carried as to show a bright green light in front of the vehicle. Subsec. (2) inserted by 2332, 1936, s. 33.

It shall be a sufficient compliance with this subsection if any lamp carried in pursuance of subsection (1) of this section also complies with this subsection.

110. (1) No person shall ride any bicycle or any tricycle upon any road at any time between half an hour after sunset and half an hour before sunrise unless it has attached thereto either one or two lighted lamps complying with this section. Lights on bicycles and tricycles. 1370, 1919, s. 6. 1858, 1928, s. 3. 2019, 1931, s. 2. 2169, 1934, ss. 2, 3. Cf. U.K. 17 & 18 Geo. 5 c. 37, ss. 5, 9; 24 & 25 Geo. 5 c. 50, s. 19.

(2) Where one lamp is carried it shall be affixed on the off side of the bicycle or tricycle in such a position and manner as to show a bright white light clearly visible to any person approaching the bicycle or tricycle from the front and a red light clearly visible to any person approaching the bicycle or tricycle from the rear.

(3) Where two lamps are carried—

(*a*) one shall be affixed on the front of the bicycle or tricycle in such a position and manner that a bright white light from the lamp is clearly visible to any person approaching the bicycle or tricycle from the front; and

(*b*) one shall be affixed on the rear of the bicycle or tricycle not more than twenty inches above the ground in such a position and manner that a red light from the lamp is clearly visible to any person approaching the bicycle or tricycle from the rear. Para. (b) amended by 2332, 1936, s. 34.

(4) In this section the term "visible" means "visible at a distance of at least two hundred yards from the bicycle or tricycle on which the lamp or lamps is or are carried". Amended by 2232, 1936, s. 34.

(5) This section shall not apply to any part of the State not comprised within a municipality or a district council district or the Garden Suburb.

(6) This section shall come into operation on a day to be fixed by proclamation which shall not be earlier than the first of March, one thousand nine hundred and thirty-five, and may be a day other than the day on which the remainder of this Act comes into operation.

(7) Until this section comes into operation section 6 of the Lights on Vehicles Act, 1919, as existing prior to the passing of the Lights on Vehicles Act Amendment Act, 1934, shall remain in operation.

Lights where load projects. 1370, 1919, s. 7. Cf. U.K. 17 & 18 Geo. 5 c. 37, s. 6.

111. (1) Whenever any load carried on any vehicle which is being driven or is standing upon any road at any time between half an hour after sunset and half an hour before sunrise projects more than three feet behind the body of the vehicle, a lighted lamp shall be kept attached to the rearward extremity of such load in such a position and manner as to show a red light clearly visible to any person approaching such vehicle from the rear or passing such vehicle from the front.

(2) Any person who on any road drives any vehicle not complying with this section, shall be guilty of an offence.

Duty to stop and give name and address. 1370, 1919, s. 8.

112. (1) Any driver of a vehicle or any rider of a tricycle or bicycle who, when requested by an inspector, in the execution of his duty under this Part, to stop or to state his name and place of abode, refuses or fails to do so, or, when so requested, states a false name or place of abode shall be guilty of an offence.

(2) Any inspector may, without any warrant other than this Part, apprehend any person who is guilty of any offence under this section.

Brakes on bicycles. Inserted by 2416, 1938, s. 32.

112a. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle is equipped with an efficient brake in proper working order.

Warning devices on bicycles. Inserted by 2416, 1938, s. 32.

112b. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle has attached thereto a bell or other suitable instrument capable of giving audible and sufficient warning of the approach of that bicycle or tricycle.

A siren shall not be a suitable instrument within the meaning of this section.

112c. Every rider of a bicycle or tricycle shall, whenever necessary, by sounding the warning instrument attached thereto, give audible and sufficient warning of the approach of the bicycle or tricycle. Duty to use warning instrument. Inserted by 2416, 1938, s. 32.

113. (1) Every member of the police force and every inspector in the Highways and Local Government Department of the public service shall, without any further appointment, be an inspector under this Part for the whole State. Who to be inspectors under Act. 1370, 1919, s. 9.

(2) The Governor may appoint any other person to be an inspector under this Part for the whole State, or for any particular portion of the State.

(3) Any council may appoint any other person to be an inspector under this Part within the local government area of such council.

(4) The exercise by every inspector appointed otherwise than for the whole State of his powers and duties under this Part shall be limited to the portion of the State or the local government area, for which he was appointed.

114. Any contravention of or failure to observe any provision of this Part, whether by act or omission, shall be an offence. Offences. 1370, 1919, s. 10.

115. Any person guilty of an offence under this Part shall be liable to a penalty for a first offence of not more than two pounds, and for any subsequent offence of not more than five pounds. Penalties. 1370, 1919, s. 11.

116. All moneys received for or on account of penalties imposed for offences against this Part shall be paid to the Treasurer for the public uses of the State; except moneys received in respect of an offence committed within the limits of a local government area, which shall be paid over to, and for the use of, the council of such area. Appropriation of penalties. 1370, 1919, s. 15.

117. Whenever in any proceedings for an offence against this Part, any place is described as a road such description shall be *prima facie* evidence that that place is a road within the meaning of this Part. Facilitation of proof. 1370, 1919, s. 14 (a). 1609, 1924, s. 2.

118. All proceedings in respect of offences against this Part shall be disposed of summarily. Summary proceedings for offences. 1370, 1919, s. 16.

PART VI.

PART VI.

GENERAL RULES TO BE OBSERVED BY TRAFFIC.

General provisions as to traffic.
Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 1, 2.
Inserted by 2332, 1936, s. 35.

119. (1) In this Part, unless the context otherwise requires—

"vehicle" includes motor vehicle as defined in Part II. of this Act, vehicle propelled by animal power, bicycle, tricycle, and any other like vehicle propelled by human power, but does not include a vehicle run on a tramway or railway line:

"animal" means horse, mule, ass, bullock, camel, or other beast used to draw or carry vehicles, loads, or human beings:

"driver" means any person driving or riding a vehicle or animal and as regards a trailer means a person driving the vehicle by which the trailer is being drawn:

"left" means left reckoned by reference to the direction in or towards which the vehicle, animal, or person is proceeding or facing at the material time:

"road" includes every public road, street, terrace, thoroughfare, or other public place, and every private road or street commonly used by the public, or to which the public are permitted to have access:

"trailer" means any vehicle without motive power constructed or adapted or used for being drawn by another vehicle: Provided that a vehicle without motive power constructed and adapted for being drawn by a motor vehicle shall not be deemed a trailer, but shall be deemed part of the motor vehicle by which it is drawn if—

(*a*) it has two wheels only;

(*b*) it is constructed for attachment to a motor vehicle by means of a turntable and king-pin; and

(*c*) a substantial part of its weight and of the weight of its load rests upon the motor vehicle by which it is drawn.

(2) This Part does not apply to any stock travelling loose on a road.

Careless driving. U.K. 20 & 21 Geo. 5 c. 43, s. 12. Inserted by 2332, 1936, s. 35.

120. (1) If any person drives or rides any vehicle or animal or walks on a road without due care or attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

(2) If any person rides a bicycle on any road without having at least one hand upon the handle-bar in such a position as to have adequate control of the steering of the bicycle he shall be guilty of an offence.

Reckless driving. U.K. 20 & 21 Geo. 5 c. 43, s. 11; 24 & 25 Geo. 5 c. 50, ss. 4, 5. Inserted by 2332, 1936, s. 35.

121. (1) If any person drives or rides any vehicle or animal on a road recklessly or at a speed or in a manner which is dangerous to the public he shall be guilty of an offence and liable to a fine for a first offence of not less than ten pounds and not more than fifty pounds, and for any subsequent offence of not less than fifty pounds and not more than one hundred pounds, and may for any subsequent

s. 120. HUNT v. BOND (1930) S.A.S.R. 46; 12 Austn. Digest 285. Held that a complaint alleging negligent driving, without giving particulars of the negligence, was sufficient.

WINTULICH v. LENTHALL (1932) S.A.S.R. 60. Held (under section 21 of the Motor Vehicles Act, 1921, which made it an offence to drive a motor car negligently) that the standard of care required was that which an ordinarily prudent man would deem necessary in the circumstances presented to him, in order to avoid injury or damage to the person or property of others. Wilful or intentional negligence need not be proved.

NEALE v. WALSH (1932) S.A.S.R. 429. Any substantial breach of the ordinary duty to take care amounted to "driving negligently" within the meaning of section 21 of the Motor Vehicles Act, 1921.

KIERNAN v. PIERCE (1933) S.A.S.R. 137. Where the circumstances proved against a defendant proved to have been involved in a collision are such that he may be presumed to know why the collision occurred, and the only evidence before the court indicates that the other party was not blameworthy, the defendant must either explain why the collision occurred or submit to the conclusion that it occurred because he was driving negligently.

s. 121. MOORE v. THE KING (1926) S.A.S.R. 52; 5 Austn. Digest 280; affirmed by MOORE v. THE KING (1926) 39 C.L.R. 602. *Semble*, that if the accused (although not guilty of criminal negligence) had committed the offence of negligent or dangerous driving, and thereby killed a person, he could not make out the defence of homicide by misadventure.

KELLY v. WALSH (1929) S.A.S.R. 481. On a charge of dangerous driving it is not necessary to show that the safety of any particular person was endangered. It is enough if there is some substantial possibility of injury to persons who might reasonably be expected to come upon a road. Conviction quashed where the defendant had not endangered any person and the court was of opinion that there was no potentiality of mischief to the public in the circumstances.

BARNETT v. WALSH (1934) S.A.S.R. 303. Where the defendant and another person, through an error of judgment, endangered each other's safety, but not that of the public, held that the defendant was not guilty of dangerous driving.

KELDOULIS v. FRENCH (1935) S.A.S.R. 192. An attempt to pass between stationary motor cars held to be dangerous driving.

THOMPSON v. COPELAND (1936) S.A.S.R. 45. Held that "recklessness" implies that the possible consequences of his act are adverted to by the actor, but he is indifferent whether they occur or not.

BOND v. COCKS (1938) S.A.S.R. 14. Circumstances which would justify a reduction of penalty under section 75 of the Justices Act, 1921, discussed.

DANKEL v. BOND (1938) S.A.S.R. 45. Where evidence was given that the defendant (who collided with a woman) drove in a normal manner and at a reasonable speed and that he was not drunk but to some extent under the influence of liquor, and it was inferred he did not keep a proper look-out, held a conviction for driving in a manner dangerous to the public could not be supported.

offence be imprisoned for any term not exceeding three months.

(2) In considering whether an offence has been committed under this section the court shall have regard to all the circumstances of the case including the nature, condition and use of the road upon which the offence is alleged to have been committed, and to the amount of traffic which at the time actually is or which might reasonably be expected to be upon that road.

Crossing railways at unauthorised places.

Inserted by 2332, 1936, s. 35.

122. (1) If any person crosses or attempts to cross or rides or drives or attempts to ride or drive any vehicle or animal across any line of railway elsewhere than at an authorised crossing place he shall be guilty of an offence.

(2) If any person crosses or attempts to cross or rides or drives or attempts to ride or drive any vehicle or animal across any line of railway at an authorised crossing place—

(*a*) carelessly; or

(*b*) in such a manner or at such a time as to give rise to the possibility of a collision between that person, vehicle or animal and any train or vehicle which is using the railway at or in the vicinity of the crossing place; or

(*c*) when warned not to do so by an employee of the Railways Commissioner; or

(*d*) when any mechanical or electrical or other warning device at or in the vicinity of the crossing is operating,

he shall be guilty of an offence.

Inserted by 2416, 1938, s. 33.

(3) Subsection (1) of this section shall not apply to any part of the State not comprised within a municipality or a district council district.

Obedience to police directions and traffic signs.

Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 20 (3), 49.

Inserted by 2332, 1936, s. 35.

123. If any person driving or riding or in charge of any vehicle or animal or walking on any road—

(*a*) fails to obey any reasonable direction of any member of the police force given for the purpose of regulating traffic; or

(*b*) fails to conform to the indication given by any sign lawfully placed on or near any road for regulating the movement of traffic or indicating the route to be followed by traffic,

he shall be guilty of an offence.

S. 122. BOND v. CLARKE (1938) S.A.S.R. 55. It is unnecessary to prove *mens rea* to establish an offence.

Duty to keep vehicles and animals to the left.

124. If any person riding or driving any vehicle or animal upon any road—

(*a*) does not keep as near as practicable to his left hand side of that road; or

(*b*) when meeting any other vehicle or animal going in the opposite direction, does not pass on his left hand side of that other vehicle or animal,

he shall be guilty of an offence.

Inserted by 2332, 1936, s. 35.

Duty to keep stationary vehicle on left of road.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 50.

125. If any person leaves any vehicle or animal stationary on the carriage-way of any road, and not being drawn in as near as practicable to the left hand side of the road, he shall be guilty of an offence.

Inserted by 2332, 1936, s. 35.

Duty to overtake vehicle on right-hand side.

126. If any person riding or driving any vehicle or animal on any road, does not, when passing any other vehicle or animal going in the same direction, keep on his right hand side of that other vehicle or animal, he shall be guilty of an offence.

Inserted by 2332, 1936, s. 35.

Overtaking tram cars.

127. If any person riding or driving any vehicle or animal, does not, when passing any tram car travelling or about to travel in the same direction, keep on his left hand side of the tram car, he shall be guilty of an offence: Provided that if the tramway line is laid so near the left hand side of the road as not to permit the free passage of the animal or vehicle on the left of the tram car, or if owing to any obstruction in the road, it is not practicable to pass on the left of the tram car, the animal or vehicle may lawfully be ridden or driven on the right of the tram car.

Inserted by 2332, 1936, s. 35.

Pedestrians on road to face traffic.

128. (1) If any person walking on the carriage-way of a road parallel with the line of the traffic thereon, does not keep as near as practicable to his right hand side of that carriage way, he shall be guilty of an offence.

Inserted by 2332, 1936, s. 35.

Subsecs. (1a) and (1b), inserted by 2416, 1938, s. 34.

(1a) Subsection (1) of this section shall not apply to a person walking on the carriage-way of a road parallel with the line of traffic thereon if he is drawing or pushing any vehicle or leading any animal, but section 124 of this Act shall apply to any such person.

s. 124. DUNN v. BEEVOR (1937) S.A.S.R. 386. Held that the regulation which required vehicles to keep close to the left of the road was not directed to the safety of vehicles emerging from by-streets.

(1b) If any person riding or driving any vehicle or animal upon any road, does not, when passing any pedestrian who is proceeding towards him on the same side of the road, keep on his right hand side of that pedestrian, he shall be guilty of an offence.

(2) This section shall not restrict the operation of any Act, regulation or by-law which regulates walking upon roads.

Overtaking other vehicles.

Inserted by 2332, 1936, s. 35.

129. If any driver of a vehicle on any road commences to overtake any vehicle proceeding in the same direction, and if the road is not then clearly visible to the driver of the overtaking vehicle, or is not clear of traffic in front of the vehicle which is being overtaken, for a sufficient distance to enable the overtaking vehicle to completely pass the other vehicle without impeding the free passage or endangering the safety of traffic on that road, the driver of the overtaking vehicle shall be guilty of an offence.

Warning by driver of overtaking vehicle.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 59 (1) (b).

Inserted by 2332, 1936, s. 35.

130. (1) If any driver of a motor vehicle, before overtaking another vehicle, signals by use of the warning instrument his desire to pass that other vehicle, thereupon the driver of that other vehicle shall move to his left, if the movement is possible with safety, so as to allow the overtaking vehicle a reasonable space in which to pass.

(2) After the signal has been given, the driver of the vehicle being overtaken shall not increase his speed until the overtaking vehicle has had a reasonable opportunity to pass and draw clear of the overtaken vehicle.

(3) If any person contravenes this section in any way, he shall be guilty of an offence.

Stopping and slowing down at intersections and bridges.

Inserted by 2416, 1938, s. 35.

130a. (1) The Commissioner of Police or any municipal or district council with the approval of the Commissioner of Police may erect or cause to be erected on the left hand side of any road at or near the place where the road joins or intersects any other road, or near the approach to any bridge, a sign containing in clearly legible letters or figures of the size prescribed by regulation—

(*a*) the word "Stop"; or

(*b*) the words "Slow m.p.h.", indicating the number of miles per hour to which speed is to be reduced.

(2) Provided that the Commissioner shall not less than one month before the erection of any such sign publish in the *Government Gazette* a notice of his intention to erect such sign specifying the type of sign which he proposes to erect and the place where it is to be erected.

(3) Any person objecting to the erection of any such sign shall in writing set out to the Minister the grounds of his objection and the Minister may thereupon either prohibit or approve the erection, with or without modification, of such sign, and the Minister's decision shall be final.

(4) When any such sign containing the word "Stop" is erected the rider or driver of a vehicle or animal in the street in which the sign is erected—

(*a*) shall before entering the junction or intersection at or near which the sign is erected, stop his vehicle or animal; and

(*b*) shall not enter that junction or intersection until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the junction or intersection without danger.

(5) When any such sign requiring a reduction of speed is erected the rider or driver of any vehicle or animal in the street in which the sign is erected shall not—

(*a*) enter the junction or intersection at or near which the sign is erected until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the intersection or junction without danger; or

(*b*) drive or ride his vehicle or animal across any part of the junction or intersection at a speed exceeding that mentioned in the sign; or

(*c*) drive or ride his vehicle or animal across the bridge at the approach to which the sign is erected at a speed exceeding that mentioned in the sign.

(6) Section 131 of this Act shall not apply to any junction or intersection at or near which a sign is erected under this section.

(7) In this section—

"intersection" means the quadrilateral or other area comprised within straight lines joining the corners formed by the intersection of two or more roads:

"junction" means that part of a road which is comprised between the lines formed by the production of the alignments of another road which abuts on the first mentioned road.

(8) The Commissioner of Highways shall, at the request of the Commissioner of Police, provide and erect on behalf of the Commissioner of Police any signs which the Commissioner of Police desires to erect under this section.

The cost of all signs so erected shall be defrayed from the moneys appropriated by Parliament for main roads.

Stop signs at railway crossings.

Inserted by 2416, 1938, s. 35.

130b. (1) The South Australian Railways Commissioner may on any road at or near any level crossing erect signs clearly visible to traffic approaching the crossing and containing in clearly legible letters of the size prescribed by regulation the word "Stop".

(2) The rider or driver of any vehicle or animal approaching a level crossing at or near which any such sign is erected from the direction in which the sign is facing shall stop his vehicle at least ten yards away from the railway line, and if he fails to do so shall be guilty of an offence.

(3) In this section "level crossing" means a place at which a road and a railway cross each other at the same level.

Centre lines on roads.

Inserted by 2416, 1938, s. 35.

130c. (1) The Commissioner of Highways may mark on any part of any road a double line running longitudinally along the road at or near the centre of the carriage way thereof.

(2) Every such line shall be of the colour and width prescribed by regulations.

(3) If any person drives or rides any vehicle or animal so that the whole or any part of that vehicle or animal is on his right hand side of any line marked on a road in accordance with this section he shall be guilty of an offence:

Provided that no person shall be punished for failing to comply with this section if the court is of the opinion that he was obliged to cross the line in order to avoid an accident, or owing to an obstruction on the roadway.

(4) The allegation in any complaint for an offence against this section that any line was marked on any road in accordance with this section shall be *prima facie* evidence of that fact.

Right-of-way at points where roads meet.

Inserted by 2332, 1936, s. 35.

131. (1) When two vehicles are approaching the junction or intersection of two or more roads in such circumstances that there is a reasonable possibility that they might arrive at the same point simultaneously, or that a dangerous situation might otherwise be created, the rider or driver of the vehicle who has the other vehicle on his right shall either decrease the speed of his vehicle to such an extent, or stop his vehicle for such time, as is necessary to allow the vehicle on his right to continue on its course in front of his vehicle without change of speed: Provided that a person shall not be convicted for failure to comply with this section, if it appears to the court that he was not aware, and could not, by exercising reasonable care, have become aware, of the approach of the other vehicle.

(2) When a vehicle and a tram car are approaching the junction or intersection of two or more roads in such circumstances that there is a reasonable possibility that they might arrive at the same point simultaneously, or that a dangerous situation might otherwise be created, the rider or driver of the vehicle shall either decrease the speed of his vehicle to

---

s. 131. THE MUNICIPAL TRAMWAYS TRUST v. AUSTIN (1930) S.A.S.R. 81. In civil proceedings the onus of proving a breach of section 131 and of negativing the proviso to section 131 (1) is on the party who alleges the breach.

MORRIS v. PFUHL (1932) S.A.S.R. 78. Section 131 does not apply to two vehicles approaching an intersection from the same direction along the same road.

RECHNER v. PALMER (1934) S.A.S.R. 409. Held as regards regulation 6A (which section 131 follows, with alterations):—(*a*) Regulation 6A did not apply only when the driver having the other vehicle on his right could see or was otherwise made aware of the approaching vehicle before he reached the intersection: (*b*) the area to which the regulation applied included not only the quadrilateral of the intersection but the immediate neighbourhood: (*c*) regulation 6A did not lessen the obligation of a person who was about to drive out of a by-street into a main thoroughfare.

SUTER v. RUEDIGER AND ANOTHER (1936) S.A.S.R. 130. Held that the driver of a vehicle is entitled to assume that other drivers will observe the regulation applicable to traffic at intersections, but is not entitled to disregard the possibility of traffic approaching from the left.

RAKE v. ADELAIDE CO-OPERATIVE SOCIETY LIMITED (1937) S.A.S.R. 281. Where two roads running northerly came together in the form of a V at the point of junction with a main road running north-east, held, under the regulation relating to traffic at intersections, that the junction of the two roads was an intersection within the meaning of the regulation. Held also that, in applying the regulation, allowance must be made for the nature of the intersection.

DREW v. GLEESON (1937) S.A.S.R. 380. Where a vehicle is already on a junction the driver does not, by altering his course, acquire a right-of-way as against the driver of another vehicle who is continuing his course and thus crossing the junction. Subsection (1) gives a right to continue a course, not to alter it across that of another vehicle. Meaning of "junction" examined.

DUNN v. BEEVOR (1937) S.A.S.R. 386. Held under the regulation relating to traffic at intersections that an intersection is a place where two or more ways cross each other and that the regulation made no provision for a by-road which merely meets or enters a main thoroughfare without anything in the nature of a crossing.

PEARCE v. BOURKE (1937) S.A.S.R. 404. Where justices, prior to the hearing, visited the intersection for the purposes of refreshing their memories and qualifying

such an extent, or stop his vehicle for such time, as is necessary to allow the tram car to pass in front of his vehicle without change of speed.

(3) This section shall not apply if at the junction or intersection the traffic was at the material time being controlled by a member of the police force or some other authorised person, or by any system of signs or lights.

(4) Subsection (1) and subsection (2) of this section, shall each be deemed to create a single offence, and no objection shall be taken on the ground of duplicity or uncertainty to a complaint under either subsection alleging that, in the circumstances mentioned in the subsection, the defendant "did not decrease the speed of his vehicle to such an extent or stop his vehicle for such time" as is required by the subsection.

(5) This section shall also apply in cases where two animals, or an animal and a vehicle or tram car are approaching a junction or intersection in the circumstances mentioned in subsection (1) or (2), and the term "vehicle" shall be so construed as to include an animal.

---

s. 131. (*contd.*) themselves to follow the evidence, but it did not appear that they used their own knowledge to correct or supplement the evidence, held that this did not constitute a ground of objection to the proceedings.

ELLIS v. HOEPNER AND ANOTHER (1937) S.A.S.R. 461. Observations as to the application of the regulation relating to traffic at intersections.

BOND v. HOLLOWAY (1938) S.A.S.R. 41. A driver of a motor vehicle on approaching an intersection is not entitled to ignore the risk that another driver will cross over the intersection at a speed beyond that allowed by law.

BOURKE v. SMITH (1938) S.A.S.R. 74. The driver of a vehicle, approaching an intersection when another vehicle is approaching from his right, is not entitled to assume that the other vehicle will alter its course or speed. The speed or course of the other vehicle may become relevant when it becomes necessary to consider whether the defendant's ignorance of its approach was consistent with due care on his part. There is no rule of law which requires a driver to approach an intersection at a speed which enables him to see whether any other vehicle is approaching from his right; the circumstances of each case must be taken into consideration (but see section 130a, enacted since this decision).

HART v. BRATCHELL (1938) S.A.S.R. 141. Where two roads intersect by reason of one road curving towards and meeting the other, section 131 applies. It does not necessarily follow that, because a person commits a breach of section 131, the breach confers upon a party injured thereby a civil cause of action for damage. Where section 131 applies, there is an implied duty on the part of the person entitled to proceed to continue on his course without change of speed, unless and until some other course of conduct, being possible, becomes prudent, proper, and imperative in the interests of safety and to avoid a collision.

BARRINGTON v. POWER (1938) S.A.S.R. 321. Where the driver of a motor vehicle approaching a junction became aware of the approach of another vehicle on his right, held that the proviso to subsection (1) did not apply.

SMITH v. MAY (1938) S.A.S.R. 410. In an action for negligence arising out of the death of a person who failed to give way as required by section 131, held that the onus of showing that the defendant could have avoided the collision, if he had acted reasonably, was upon the plaintiff.

Speed at intersections.

Inserted by 2332, 1936, s. 35.

132. (1) If any person in any municipality, town, or township drives or rides any vehicle or animal over that part of any intersecting roads, which is common to two or more roads, at a greater speed than twenty-five miles per hour, he shall be guilty of an offence.

(2) In this section "intersecting roads" means roads each of which completely crosses and extends on both sides of the other.

(3) Subsections (1) and (2) of this section shall not apply to—

(*a*) any motor vehicle owned by the Fire Brigades Board or any fire brigade, or the controlling authority thereof, and which is being driven to a fire for use in connection with the extinguishing thereof;

(*b*) any motor vehicle which is being used by a member of the police force for the purpose of effecting an arrest or otherwise in connection with the detection, suppression or prevention of crime; or

(*c*) any ambulance motor vehicle which is being used for ambulance work.

Speed in certain circumstances.

Inserted by 2332, 1936, s. 35.

133. (1) If any person rides or drives any vehicle or animal at a greater speed than six miles per hour—

(*a*) when proceeding from any land abutting on a road into that road; or

(*b*) when passing any tram car which, on any road in the course of a journey in the same direction as the overtaking vehicle or animal, has stopped for the purpose of allowing passengers to board or alight,

he shall be guilty of an offence.

(2) If any person rides or drives within ten miles from the General Post Office at Adelaide any vehicle or animal at a greater speed than ten miles per hour when turning from one road into another he shall be guilty of an offence.

s. 132. BOND v. GOUDIE (1937) S.A.S.R. 416, reversing BOND v. GOUDIE (1937) S.A.S.R. 371. The Port Road is comprised of two carriage ways, one reserved for up and the other for down traffic; the ways are separated by a reserve and cross roads intersect the ways and reserves. Held that, for the purposes of section 132, the Port Road was one road only and, accordingly, that a road entering the Port Road and crossing the up track and the reserve to enter the down track but not continuing further, does not form an intersection with the up track.

s. 133. JOLLY v. WALLMAN (1936) S.A.S.R. 121. Held that a Sunday school was not a school within the meaning of a regulation prescribing a speed limit for vehicles passing schools. (But see subsection (4), enacted since this decision).

(3) If any person rides or drives any vehicle or animal at a greater speed than fifteen miles an hour whilst passing any school or school playground or children's playground at any time when children are going into or coming out of that school or playground, he shall be guilty of an offence: Provided that no person shall be convicted of an offence against this subsection unless the prosecution shows that on or near the road on which the defendant rode or drove a vehicle or animal as aforesaid there was a sign bearing in clear letters the word "school", "school playground" or "children's playground", as the case may be, and erected in such a position as to give reasonable warning to the defendant of the existence of the school or playground.

Proviso added by 2416, 1938, s. 36 (1).

(4) In this section "children's playground" means a children's playground which is maintained by a municipal or district council and "school" includes any church or other building used as a Sunday school, together with the land used in connection therewith.

Amended by 2416, 1938, s. 36 (2).

Signals.

134. (1) Whenever the driver or rider of any vehicle or animal is about to turn his vehicle or animal to the right, in or into any road, he shall, at least one hundred feet before the point where he commences to turn, signify his intention to do so by extending his right arm horizontally from the right hand side of the vehicle or animal with the palm facing forward, the arm being in such a position that it is clearly visible from a distance of at least one hundred feet to any person following the vehicle or animal.

Inserted by 2332, 1936, s. 35.

(1a) No person shall be deemed to have signified his intention to turn to the right as required by subsection (1) of this section unless he has given the signal prescribed by that subsection continuously for a distance of one hundred feet before the point where his vehicle commences to turn.

Inserted by 2416, 1938, s. 37.

(2) Whenever the driver or rider of any vehicle or animal is about to slow down or stop he shall at least one hundred feet before the point where he commences to slow down signify his intention to do so—

(*a*) by extending his right arm horizontally from the right-hand side of the vehicle or animal with the palm of the hand turned downwards the arm being in such a position that it is clearly visible at a distance of at least fifty feet to any person following the vehicle or animal; and

(*b*) by moving the arm slowly up and down.

(3) It shall be sufficient compliance with the provisions of this section to give the appropriate signal by some mechanical or electrical device which has been approved by the Registrar of Motor Vehicles.

(4) If any person fails to comply with this section he shall be guilty of an offence.

Requirements as to towing.

Inserted by 2332, 1936, s. 35.

135. (1) No person shall drive upon any road any vehicle having any vehicle (not being a trailer) attached thereto for the purpose of being towed, if any of the following provisions is not observed:—

(*a*) The space between the vehicles shall not exceed twelve feet:

(*b*) When the towed vehicle is a motor vehicle, a competent person shall be in charge of that vehicle, to control it so far as the condition of its brakes and mechanism will permit:

(*c*) Where the two vehicles are joined by means of a tow rope, chain or wire, there shall be displayed on the tow rope, chain or wire, midway between the two vehicles, a white flag or cloth, so as to be clearly visible as a warning of danger:

(*d*) Between half an hour after sunset, and half an hour before sunrise, a lighted lamp, showing a bright white light, shall be affixed to the front of the towed vehicle in such a manner as to render clearly visible, any flag or cloth displayed in accordance with paragraph (*c*) of this subsection, and a lighted lamp shall be affixed to the off side of the rear of the towed vehicle, showing a red light clearly visible at a distance of 200 yards, to any person approaching the vehicle from the rear:

Provided that where the vehicle being towed is fastened in actual contact with the towing vehicle, the white flag or cloth mentioned in paragraph (*c*), and the lighted lamp affixed to the front of the towed vehicle, mentioned in paragraph (*d*), shall not be required.

(2) If any person contravenes this section in any respect, he shall be guilty of an offence.

Leaving vehicles in dangerous positions.

U.K. 20 & 21 Geo. 5 c. 43, s. 50.

Inserted by 2332, 1936, s. 35.

136. If any person in charge of a vehicle or animal causes or permits that vehicle or any trailer drawn thereby or that animal to remain at rest on any road in such a position or in such condition or circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

Driving or riding on footpaths, &c. Cf. U.K. 20 & 21 Geo. 5 c. 48, s. 14.

Inserted by 2332, 1936, s. 35.

137. If any person rides, drives, or leads any animal, or rides or drives any vehicle so that that animal or vehicle or any part thereof is on any footpath, causeway, or place set apart or constructed on or by the side of any road for the accommodation of foot passengers, he shall be guilty of an offence: Provided that this section shall not apply where the animal or vehicle is ridden, driven, or led across any such footpath, causeway, or place at right angles in crossing to or from any premises.

Control of animals by driver.

Inserted by 2332, 1936, s. 35.

138. If the driver of a vehicle drawn by an animal on any road, is at such a distance from that vehicle or in such a situation that he cannot properly guide and control the animal drawing the vehicle, he shall be guilty of an offence.

Duty to stop in case of accident.

U.K. 20 & 21 Geo. 5 c. 43, ss. 20, 22, 113 (3).

Inserted by 2332, 1936, s 35.

Subsec (1), amended by 2416, 1938, s. 38 (a).

139. (1) If, owing to the presence of a vehicle on a road, an accident occurs, whereby damage or injury is caused to any person, vehicle or animal, or any other property real or personal, the driver of the vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner of the vehicle and, if the vehicle is a registered motor vehicle, the registered number of the vehicle.

(2) When any such accident happens, the driver of the vehicle shall also report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case, within twenty-four hours after the occurrence thereof.

(3) In this section, the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat, or dog.

(4) If any person fails to comply with this section in any respect he shall be guilty of an offence: Provided that no person shall be punished for failing to comply with this section if the court is of opinion that the accident was a trivial

---

s. 139. MINERVINI v. WALSH (1928) S.A.S.R. 286. The obligation to stop implies that the vehicle must be brought to rest within such a distance and time as is reasonable in the circumstances.

NOBLET v. CONDON (1935) S.A.S.R. 329. Held that section 52 of the Road Traffic Act, 1934 (re-enacted by section 139 with amendments not material to this case), required the driver to stop so long as reasonably necessary to enable the proper questions to be put, if there was anyone in the vicinity who desired to put them.

JARMAN v. WALSH (1936) S.A.S.R. 25. Held that section 52 of the Road Traffic Act, 1934 (re-enacted by section 139 with amendments not material to this case), required the driver of a motor vehicle to stop in case of accident as soon as practicable in the circumstances.

BOND v. GILBERT (1938) S.A.S.R. 37. The offence of failing to stop may be of a trifling nature although the accident occasioning the stop may be more than trivial.

one or if the defendant satisfies the court that he did not know that any accident had occurred: Provided also that it shall be a defence to a charge of an offence under this section if it is shown that the only damage or injury resulting from the accident was damage or injury to property owned by the defendant.

Proviso added by 2416, 1938, s. 38 (b).

(5) An apparently genuine document produced by the prosecution, purporting to be signed by the Commissioner of Police and to certify that any accident specified in the document (whether by reference to the approximate time and place thereof, or to the person or persons involved or otherwise so as to reasonably identify it) had not been reported at a police station or to a police constable prior to any date mentioned in the certificate shall be *prima facie* evidence of the matter so certified.

Inserted by 2416, 1938, s. 38 (c).

140. (1) Any owner of any vehicle shall, if required by a member of the police force, or by any inspector appointed under Part II. of this Act, truly answer any question put to him which may lead to the identification of the person who was driving that vehicle on any occasion when an offence under this Act is alleged to have been, or is suspected of having been, committed.

Duty of owner to give information to identify driver.

Cf. U.K. 20 & 21 Geo. 5 c. 43. s. 113 (3).

Inserted by 2332, 1936, s. 35.

(2) Any such owner who refuses to answer, or fails to answer truly, any such question shall be guilty of an offence.

(3) In this section the term "owner" shall include a bailee.

Inserted by 2416, 1938, s. 39.

141. If any person drives or causes or permits to be driven on any road any vehicle, upon which the load extends beyond any portion of the vehicle, and—

Projecting loads.

Inserted by 2332, 1936, s. 35.

(*a*) the load is not as nearly as practicable parallel to the sides of the vehicle; or

(*b*) any iron, timber, piping, or other solid materials projecting beyond any portion of the vehicle, is not wrapped at the projecting ends thereof, with bagging or other suitable material, and securely tied so as to prevent noise, flapping, and swaying, and covered with some white material so as to indicate the presence of such projection,

he shall be guilty of an offence.

Width of vehicles, and number of trailers.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 18.

Inserted by 2332, 1936, s. 35.

142. (1) No person shall drive any motor vehicle on any road if—

(*a*) the width of the vehicle or of any part of the load thereon exceeds eight feet; or

(*b*) the vehicle (being a tractor) has more than two trailers attached thereto; or

(*c*) the vehicle (being a vehicle other than a tractor) has more than one trailer attached thereto.

(2) Any person who contravenes this section shall be guilty of an offence.

In any proceedings for an offence of driving on a road a motor vehicle the width of which exceeds eight feet it shall be a defence to prove that the motor vehicle was, on the first day of September, nineteen hundred and thirty-six, a registered motor vehicle, and that at the said date the motor vehicle was of the same width as at the time of the alleged contravention, and that the load on the motor vehicle did not project beyond either side of the vehicle.

(3) If the Registrar of Motor Vehicles is satisfied that it is reasonable to permit any vehicle to be driven on any road, although the width of that vehicle or of any part of the load thereon exceeds eight feet he may on the application of the owner of the vehicle grant a permit, either general or restricted as to time, place, or circumstance, permitting that vehicle to be driven on any specified roads or on roads generally and such a permit shall render lawful anything done in accordance therewith.

(4) The Governor may by proclamation declare that this section shall not apply to any road or part of a road mentioned in the proclamation, and may from time to time revoke or alter any such proclamation. The operation of this section shall be restricted according to the terms of all proclamations for the time being in force under this subsection.

(5) Notwithstanding subsection (1) of this section it shall be lawful to drive on any road a vehicle carrying a load more than eight feet wide if that load consists of any agricultural machine or motor bodies more than eight feet wide.

(6) No agricultural machine shall be deemed to be a vehicle within the meaning of this section.

(7) In this section "agricultural machine" means any machine (other than a tractor) used for cultivating land or sowing or harvesting crops.

(8) For the purposes of this section any frame work fixed or placed on a motor vehicle shall be deemed to be the load or portion of the load of that motor vehicle. Inserted by 2416, 1938, s. 40.

143. (1) If more than one person is carried on a road on a bicycle not propelled by mechanical power and not constructed or adapted for the carriage of more than one person, each of those persons shall be guilty of an offence. Restriction on carriage of persons on bicycles. U.K. 24 & 25 Geo. 5 c. 50, s. 20.

(2) In this section references to a person carried on a bicycle shall include reference to a person riding the bicycle. Inserted by 2332, 1936, s. 35.

(3) This section shall apply only within the areas in which the Governor declares that it shall apply. The Governor may by proclamation declare the areas within which this section shall apply and may at any time by proclamation alter any such area, or revoke any proclamation in force under this section.

143a. No person shall on any road drive any motor vehicle carrying any person on the roof or bonnet thereof, or on the driver's seat on the right hand side of the driver. Places where passengers must not be carried. Inserted by 2416, 1938, s. 41.

144. (1) If the driver of a vehicle knowingly permits any person riding a bicycle or other vehicle propelled by human power to attach himself to the vehicle being driven while it is in motion on any road, that driver shall be guilty of an offence. Holding on to motor vehicles, and riding without driver's consent. Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 29.

(2) Any rider of a bicycle or other vehicle propelled by human power, who attaches himself to any other vehicle whilst that vehicle is in motion on any road shall be guilty of an offence. Inserted by 2332, 1936, s. 35.

(3) Any person who rides on a vehicle without the consent of the driver of that vehicle shall be guilty of an offence.

145. If any person riding a bicycle travels on any road for more than three hundred yards behind any motor vehicle and within six feet from that vehicle he shall be guilty of an offence. Pacing by cyclists. Inserted by 2332, 1936, s. 35.

146. Any person who in any road, boards or alights from any tram car or vehicle whilst in motion, shall be guilty of an offence. Boarding and alighting from moving vehicles. Inserted by 2332, 1936, s. 35.

s. 144. WALSH v. FAEHRMANN (1936) S.A.S.R. 49. The onus is on the complainant to prove that the driver did not consent to the defendant's action.

Driving and riding abreast.

Inserted by 2332, 1936, s. 35, and amended by 2416, 1938, s. 42.

147. (1) If two or more vehicles are driven or ridden abreast of each other in the same direction on any road, the rider or driver of each of those vehicles shall be guilty of an offence: Provided that this section shall not apply—

(*a*) where two bicycles and no more are ridden abreast at any place more than five miles from the General Post Office at Adelaide:

(*b*) where a vehicle is driven abreast of another vehicle for the purpose of passing that other vehicle.

(2) A vehicle shall be deemed to be abreast of another vehicle if any part of the vehicle is by the side of any part of that other vehicle.

Prohibition of riding horses abreast.

Inserted by 2332, 1936, s. 35.

148. (1) If three or more horses are ridden abreast on the carriage-way of any road within twelve miles of the General Post Office at Adelaide, the rider of each horse shall be guilty of an offence: Provided that this section shall not apply where the horses are ridden by members of the police force on duty.

(2) A horse shall be deemed to be abreast of another horse if any part of that horse is by the side of any part of the other horse.

Injurious matter on roads.

Inserted by 2332, 1936, s. 35.

149. If any person deposits or drops or causes or suffers to be deposited or dropped upon any road, any matter or substance likely to cause damage or danger to vehicles, being any wood, stone, sand, gravel, nail, tack, scrap iron, glass, wire, tin, bottle, thorn, clipping, oily or sticky substance or other matter or substance, he shall be guilty of an offence: Provided that it shall be a defence to a charge under this section if the defendant proves that he had taken reasonable precautions to prevent the matter or substance from being so deposited or dropped.

Removal of vehicles from roads.

Cf. U.K. 20 & 21 Geo. 5 c. 43, s. 59 (1), (c); 24 & 25 Geo. 5 c. 50, s. 22.

Inserted by 2332, 1936, s. 35.

150. (1) If—

(*a*) any vehicle or animal is left unattended on a road in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road; or

(*b*) on any day on which a road is closed to the public or forms part of the route of a procession which has been duly advertised under any enactment, regulation, or by-law, any vehicle is left unattended for more than one hour,

any member of the police force or any officer of any municipal or district council may remove that vehicle or animal to a place of safe custody.

(2) Forthwith after such removal, the person removing the vehicle or animal, or some person on his behalf, shall give the owner written notice of the removal, and of the place to which the vehicle or animal was removed. The notice shall, wherever practicable, be served upon the owner personally; but if it is not so served within fourteen days after the removal, it shall forthwith upon the expiration of those fourteen days be given by public advertisement in two newspapers circulating generally in the State.

(3) If the owner of the vehicle or animal does not, within one month after the service or advertisement of the notice, pay all expenses in connection with the removal, custody, and maintenance of the vehicle or animal, and of serving or advertising the notice, and take possession of the vehicle or animal, the Commissioner of Police, or the municipal or district council whose officer removed the vehicle or animal shall sell it by public auction, and apply the proceeds as follows:—

(*a*) Firstly, in payment of the expenses of the sale:

(*b*) Secondly, in payment of the cost of removal, custody, and maintenance of the vehicle or animal, and of the notice served or advertised under this section:

(*c*) Thirdly, in payment of the balance to the owner, or if, after reasonable enquiry, the owner cannot be found, to the Treasurer, in aid of the general revenue of the State.

Control of parking outside Parliament House.

Inserted by 2332, 1936, s. 35.

151. (1) The Governor may by proclamation declare that any area in that part of any street which abuts on the site of either House of Parliament shall be a prohibited area within the meaning of this section and may revoke or amend any such proclamation.

(2) If any person, whether holding any other licence, permit, or other authority or not, leaves any vehicle or animal stationary in any prohibited area proclaimed under this section, without the permission of the Commissioner of Public Works, he shall be guilty of an offence.

(3) This section shall take effect notwithstanding anything in the Local Government Act, 1934, or any other Act or any regulation or by-law.

(4) No prosecution for an offence against this section shall be commenced except with the authority of the Commissioner of Public Works. A document purporting to give such consent and purporting to be signed by the Commissioner of Public Works shall be *prima facie* evidence of such consent.

Power of police to examine and test vehicles and animals.

Inserted by 2332, 1936, s. 35.

152. (1) Any member of the police force may, if he has reasonable cause to suspect that any vehicle has been involved in an accident or has been driven on a road recklessly or at a speed or in a manner which is dangerous to the public or has been stolen or taken without the consent of the owner and is on any land or premises, enter such land or premises and therein search for that vehicle and examine it if found.

(2) Any person who hinders any member of the police force, in the exercise of any power conferred upon him by this section, shall be guilty of an offence.

(3) If any member of the police force or any inspector appointed under Part II. of this Act has reasonable cause to suspect that any motor vehicle does not comply with any requirement of this Act he may—

(*a*) require the owner or person in charge of the vehicle to produce the vehicle to him or to some person named by him for the purpose of being tested:

(*b*) for that purpose remove the vehicle to the nearest convenient place where it can be tested:

(*c*) detain the vehicle for such time as is necessary for testing it.

(4) If the owner or person in charge of any vehicle when so requested by a member of the police force or an inspector appointed under Part II. of this Act does not produce the vehicle, together with any key or other device necessary for starting the engine, in accordance with a request under subsection (3) of this section, he shall be guilty of an offence.

Closing roads for races and exemptions.

Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 13, 46.

Inserted by 2332, 1936, s. 35.

Para. (a) substituted by 2416, 1938, s. 43.

153. (1) Upon the application of any persons interested the Minister of Local Government may make either or both of the following orders:—

(*a*) That any road or part of a road upon which any races or tests are to be held, and any other adjacent or adjoining road or part of any such road shall be closed to traffic on any day or days:

(*b*) That persons taking part in any races or tests be exempted from the duty to observe any enactment, regulation or by-law prescribing speed limits or other rules to be observed on roads by drivers and riders of vehicles.

(2) No order closing a road shall be made under this section except with the consent of every municipal or district council within whose area the road or part of a road is situated.

(3) At least two clear days before any road is to be closed or any exemption is to operate pursuant to an order under this section the Minister shall by advertisement in two newspapers, one of which shall be a daily newspaper, circulating generally in the State give notice of the intended closing of the road or exemption. The costs of every such advertisement shall be paid by the applicants.

(4) Any order made under this section shall be subject to any conditions which the Minister thinks fit to impose and upon breach of any condition shall cease to have any effect.

(5) An order under this section shall render lawful anything done in accordance therewith.

(6) If any person is requested by a member of the police force to depart from any road or part of a road closed under this section or to remove any vehicle of which he is in charge from any such road or part of a road and does not forthwith comply with that request he shall be guilty of an offence.

Vehicles taking part in processions.
Inserted by 2416, 1938, s. 44.

153a. If the Treasurer is satisfied that any vehicle is intended to be ridden or driven on roads solely for the purpose of taking part in a street procession or other like entertainment, he may in writing exempt the owner and driver of that vehicle from the obligation to comply with any specified provisions of this Act on any day or days.

Vehicles used for carrying passengers for hire.
Inserted by 2332, 1936, s. 35.

154. (1) After a day to be fixed by the Governor by proclamation for the commencement of this section no person shall drive any vehicle or cause any vehicle to be driven for the purpose of carrying passengers for hire unless that vehicle has been inspected and certified to be safe for the carriage of passengers by an officer appointed by the Registrar of Motor Vehicles: Provided that this section shall not apply where a vehicle is driven pursuant to a licence under the Road and Railway Transport Act, 1930, or under any by-law of a local governing authority.

(2) Every certificate granted under this section shall remain in force for twelve months from the date of the granting thereof unless revoked by any such officer as aforesaid before the expiration of that period on the ground that the vehicle is no longer safe for the carriage of passengers.

Inserted by 2416, 1938, s. 45.

(3) Any certificate granted under this section may contain a condition prescribing the maximum number of passengers which may lawfully be carried upon the vehicle to which the certificate relates.

Any person who drives any vehicle carrying more than the maximum number of passengers prescribed in a certificate relating to such vehicle shall be guilty of an offence.

Inserted by 2416, 1938, s 45.

(4) An apparently genuine document produced by the prosecution and purporting to be signed by the Registrar of Motor Vehicles and to certify that any vehicle specified in the certificate has not during any period specified in the certificate been inspected and certified to be safe for the carriage of passengers as required by this section shall be *prima facie* evidence of the fact so certified.

Inserted by 2416, 1938, s. 45.

(5) It shall lie on the defendant to prove that any vehicle in respect of which a complaint has been laid under this section was driven pursuant to a licence under the Road and Railway Transport Act, 1930, or under any by-law of a local governing authority.

Inserted by 2416, 1938, s. 45.

(6) The Governor may make any regulations necessary or convenient for the due administration and enforcement of this section and may by regulations impose penalties recoverable summarily and not exceeding ten pounds for breach of any such regulation.

Dangerous lights and signs.

Inserted by 2332, 1936, s. 35.

155. (1) If any light, or any sign showing a light, is on or over or adjacent to any footpath or road in any municipality or district council district or is affixed to the wall or roof or other external part of any building or verandah in any municipality or district council district, and the council of the municipality or district council district is satisfied that the light or sign is dangerous to traffic on any road, the council may give notice in writing to the owner of the light or sign requiring him to remove the light or sign within a reasonable time specified in the notice.

(2) If within the time specified in the notice that owner does not remove the light or sign, the council may remove it and recover the costs of so doing from that owner in any court of competent jurisdiction as a debt due to the council.

(3) Any notice under this section may be given by post addressed to the last known place of business or abode of the person to whom it is to be given, or by delivering it to that person.

Inconsistency of this Part with regulations and by-laws.

156. When any regulation or any by-law is inconsistent with any provision of this Part, that provision shall prevail and the regulation or by-law shall, to the extent of the inconsistency, be invalid.

Inserted by 2332, 1936, s. 35.

Evidentiary provisions.

157. (1) The allegation in any complaint for an offence against this Act, or against any regulation under this Act, that any person was, at any time mentioned in the complaint, the rider or driver of any animal or vehicle shall be *prima facie* evidence of that fact.

Inserted by 2332, 1936, s. 35.

Inserted by 2416, 1938, s. 46.

(2) In any complaint for an offence against this Act or against any regulation under this Act allegations as to all or any of the following matters—

(*a*) that any sign was lawfully placed on or near any road, or that any such sign was for any purpose specified in the complaint:

(*b*) that any sign on a road was erected under or complied with any specified statutory provision:

(*c*) that any sign on a road contained any specified words:

(*d*) that any specified place was or was not on any specified date an authorised crossing place on any line of railway,

shall be *prima facie* evidence of the matters so alleged.

Inserted by 2416, 1938, s. 46.

(3) An apparently genuine document produced by the prosecution and purporting to be signed by the Commissioner of Police or the superintendent or any inspector of police and to certify that any stop watch or speedometer specified therein had been tested and found correct on any date specified therein shall be *prima facie* evidence that that stop watch or speedometer was correct on each of the fourteen days following that date.

Penalty.

Inserted by 2332, 1936, s. 35.

158. Any person guilty of any offence against this Part, for which no other penalty is provided, shall be liable to a fine of not more than twenty pounds.

Summary proceedings.
Inserted by 2332, 1936, s. 35.

159. Proceedings for offences against this Part shall be disposed of summarily.

S. 160 inserted by 2332, 1936, s. 35, and repealed by 2416, 1938, s. 47.

* * * * * * * * * * *

PART VII.

PART VII.

PROTECTION OF ROADS.

Interpretation.
Cf. U.K. 20 & 21 Geo. 5 c. 43, ss. 3, 24, 25.
Inserted by 2332, 1936, s. 35.

161. In this Part unless the context otherwise requires or some other meaning is clearly intended—

"commissioner" means the Commissioner of Highways appointed pursuant to the Highways Acts, 1926 to 1935:

"improved main road" means any main road within the meaning of the Highways Acts, 1926 to 1935, which has been formed, metalled, or gravelled, or which has any prepared surface, and includes the shoulders and drains thereof, and any bridge, culvert, guard fence, or post thereon:

"road authority" means the municipal or district council within whose area the road in question is situated, and includes the commissioner when exercising the powers of a council in respect of any work:

"shoulders", when used in relation to a main road, means the protection work formed or constructed of any material whatsoever for strengthening, backing up, or protecting the edges of any improved main road:

"drain", when used in relation to a main road, means any work formed or constructed of any material whatsoever, which is provided for the drainage of such road:

"motor lorry" means a motor vehicle constructed in such a manner as to be ordinarily used for the carriage of goods, wares, or merchandise, or for the conveyance of any kind of material used in any trade, business, or industry, or for use in any work whatsoever other than the conveyance of passengers:

"motor vehicle" means a motor vehicle as defined in Part II. of this Act:

"tractor" means a motor vehicle used for hauling other vehicles, but not built to carry passengers or loads other than fuel or water for its own consumption.

Farm implements.

Inserted by 2332, 1936, s. 35.

162. If any person drives or hauls over any improved main road any farm or other implement constructed in such a manner as to injure or damage any portion of the road when travelling thereon he shall be guilty of an offence.

Locking of wheels.

Inserted by 2332, 1936, s. 35.

163. If any person locks or prevents from revolving any wheel of any horse-drawn vehicle whilst such vehicle is proceeding along any improved main road, he shall be guilty of an offence.

Drags.

Inserted by 2332, 1936, s. 35.

164. If any person draws or drags any sledge, timber, tree, or other heavy material on any improved main road, he shall be guilty of an offence.

Wheels with bars, studs, &c.

Inserted by 2332, 1936, s. 35.

165. If any person, except in crossing a road, drives on or within six feet of any part of the metalled, gravelled, rubbled, tarred, or other prepared surface of any improved main road any motor vehicle having attached to the surface of any wheel or tire, which comes into contact with the road, any metal bar, spike, stud, grip, or other metal projection, he shall be guilty of an offence: Provided that this section shall not apply where the wheels or tires of the motor vehicle have no projection on the surface thereof which comes into contact with the road other than cross bars affixed thereto at an angle of not more than forty-five degrees with the edge of the wheel or tire, and each extending the full width of the wheel or tire, and being not less than three inches in width and not more than three-quarters of an inch in thickness, and being separated by a space of not more than three inches from the cross bar nearest to it on either side.

Caterpillar tractors.

Inserted by 2332, 1936, s. 35.

166. If any person, except in crossing a road, uses or drives on or within six feet of any part of the metalled, gravelled, or other prepared surface of any improved main road any tractor of the caterpillar type which has any metal bar, spike, stud, grip, or other metal projection on the track or belt of that tractor, he shall be guilty of an offence.

Stopping vehicles on bridges.

Inserted by 2332, 1936, s. 35, and amended by 2416, 1938, s. 48.

167. (1) If any person stops a vehicle on any bridge or culvert on any road for any purpose whatever except in case of a breakdown or other unavoidable accident or the purpose of enabling any person to enter or alight from the vehicle, he shall be guilty of an offence.

(2) If the owner of any vehicle which has stopped on a bridge or culvert because of a breakdown or other unavoidable accident or the purpose of enabling any person to enter or alight from the vehicle, fails to remove the vehicle from that bridge or culvert without unnecessary delay, he shall be guilty of an offence.

Damage to bridges.

Inserted by 2332, 1936, s. 35.

168. If any person drives any vehicle on any main road in such a way as to damage any bridge, culvert, guard fence, or post on or appertaining to that main road, he shall be guilty of an offence.

Driving on shoulders of roads.

Inserted by 2332, 1936, s. 35.

169. If any person drives any vehicle on the shoulders of any improved main road except for the purpose of passing another vehicle, or leaving the metalled, gravelled, rubbled, tarred, or other improved surface, he shall be guilty of an offence.

Actions likely to cause fire.

Inserted by 2332, 1936, s. 35.

170. If any person discharges any ashes, cinders, or other refuse from a tractor or any motor vehicle upon or within twenty feet of a bridge or culvert upon a main road, or upon any main road within twenty feet of the centre of that road, and does not completely extinguish and spread out such ashes, cinders, or refuse, so as not to injure that road or any fence thereon or adjacent thereto, and so as not to interfere with the drainage, he shall be guilty of an offence.

Depositing material on roads.

Inserted by 2332, 1936, s. 35.

171. If any person without the permission of the commissioner in writing stacks or deposits any wood, sand, stone, or material of any description on any main road or part of a main road which is in any way being maintained by the commissioner, he shall be guilty of an offence.

Use of wheel chains.

Inserted by 2332, 1936, s. 35.

172. If any person drives or hauls upon any improved main road any vehicle having solid rubber tires which are fitted with chains, or having metal studs or other metal projections inserted in the rubber thereof, he shall be guilty of an offence.

Defective tires.

Inserted by 2332, 1936, s. 35.

173. If any person drives on any improved main road any motor vehicle having any wheel shod with a rubber tire (not being a pneumatic tire) which has not rubber at least one inch thick over the whole of the outer surface of the wheel, or which is in any way defective, he shall be guilty of an offence.

Speed of lorries and tractors.

Cf. U.K. 24 & 25 Geo. 5 c. 50, s. 2.

Inserted by 2332, 1936, s. 35.

174. If any person on any road drives any motor vehicle, which has all or any of its wheels fitted with rubber tires other than pneumatic tires, at a greater speed than that applicable thereto in the following table, he shall be guilty of an offence:—

	Miles per hour.
(*a*) If the weight of the vehicle unladen does not exceed three tons	20
(*b*) If the weight of the vehicle unladen exceeds three tons	16
(*c*) If a trailer which has all or any of its wheels fitted with rubber tires other than pneumatic tires is attached to the vehicle	16

Speed of heavy motor vehicles on certain roads.

Inserted by 2332, 1936, s. 35.

175. If any person on any road which is not paved with bitumen, concrete, or wooden blocks drives at a greater speed than thirty miles per hour any motor vehicle which weighs more than two tons when unladen, he shall be guilty of an offence.

Vehicles with metal tires.

Inserted by 2332, 1936, s. 35.

176. (1) If any person on any improved main road drives any motor vehicle having one or more metal tires at a greater speed than six miles per hour he shall be guilty of an offence.

(2) If any person on any improved main road drives any vehicle drawing a trailer having one or more metal tires he shall be guilty of an offence: Provided that if the commissioner of Highways is satisfied that any piece of heavy machinery or other merchandise cannot be taken apart without great expense or loss, he may issue to any person a permit (subject to any conditions specified therein) authorising that person to use a trailer with metal tires for transporting that piece of machinery or other merchandise along any main road specified in the permit.

Information to be painted on vehicles.

Inserted by 2332, 1936, s. 35.

177. (1) Every motor lorry (not being a buckboard) and every vehicle carrying passengers or goods for hire in actual use on any road shall have the name and address of the owner

thereof and the weight of the vehicle unladen painted on some conspicuous part of the off side of the vehicle in letters not less than two inches high and one inch wide.

For the purpose of this subsection:

"name" means—

(*a*) in the case of a vehicle owned by an individual, the Christian names or the initials of the Christian names and the full surname of that individual; and

(*b*) in the case of a vehicle owned by a firm, the registered name of the firm; and

(*c*) in the case of a vehicle owned by a company or body corporate, the registered name of the company, or the full name of the body corporate:

"address" means either place of abode or place of business:

"buckboard" means a vehicle adapted partly for the carriage of goods and partly for the carriage of passengers and weighing when unladen less than thirty-two hundredweights.

(2) Every motor lorry or tractor (for whatever purpose used) having any tires which are not pneumatic tires shall have, in addition to any particulars required under subsection (1), its weight unladen, together with the speed at which the lorry or tractor may travel under section 174 clearly and distinctly painted on the off side of the lorry or tractor in figures not less than two inches high and one inch wide.

(3) If any person owns or drives on any road any vehicle not complying with this section he shall be guilty of an offence: Provided that where the owner and the driver are different persons, both shall not be punished in respect of the same non-compliance.

Damage to roads and works.

Inserted by 2332, 1936, s. 35.

178. Any person who—

(*a*) otherwise than by reasonable use thereof damages any road, bridge, or culvert; or

(*b*) removes, damages, or interferes with any guard fence, post, traffic sign, direction sign, notice, mark, light, signal, barrier, lamp, or other thing erected or placed thereon by or with the consent of a road authority, or by the Royal Automobile Association of South Australia, Incorporated; or

(*c*) does any act or makes any omission of such a nature as to be likely to injure any such road or other thing,

shall be guilty of an offence, and in addition to being liable to a fine, shall pay to the road authority compensation for the damage done.

Notice of damage.

Inserted by 2332, 1936, s. 35.

179. If the driver or person in charge of any vehicle causing damage to any improved main road does not forthwith give to the road authority in whose area the damage has been caused notice of that damage, with full particulars of any damage to the surface of the road or to bridges, culverts, guard fences, or posts on the road, he shall be guilty of an offence.

Penalty.

Inserted by 2332, 1936, s. 35.

180. Any person who commits an offence against this Part shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Appointment of authorised officers.

Inserted by 2332, 1936, s. 35.

181. The commissioner may appoint any person to be an authorised officer for the purpose of this Part, and any municipal or district council may appoint any person to be an authorised officer for the purpose of this Part within the district of such district council or municipal corporation.

Application to employees of Crown.

Inserted by 2332, 1936, s. 35.

182. This Part shall be binding on any person in the employ of the Government of the State.

SCHEDULE.

ACTS REPEALED.

No. and Year of Act.	Title of Act.
No. 19 of 1853	An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of Horses and Cattle.
No. 1 of 1854	An Act to amend "An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of Horses and Cattle."
No. 1370 of 1919 (except sections 12, 13, and 14 thereof)	Lights on Vehicles Act, 1919.
No. 1609 of 1924	Lights on Vehicles Act Amendment Act, 1924.
No. 1858 of 1928	Lights on Vehicles Act Amendment Act, 1928.
No. 2019 of 1931	Lights on Vehicles Act Amendment Act, 1931.
No. 1480 of 1921	Motor Vehicles Act, 1921.
No. 1527 of 1922	Motor Vehicles Act Amendment Act, 1922.
No. 1645 of 1924	Motor Vehicles Act, 1924.
No. 1695 of 1925	Motor Vehicles Act Amendment Act, 1925.
No. 1760 of 1926	Motor Vehicles Act Amendment Act, 1926.
No. 1827 of 1927	Motor Vehicles Acts Amendment Act, 1927.
No. 1941 of 1929	Motor Vehicles Act, 1929.
No. 2095 of 1932	Motor Vehicles Act, 1932.
No. 2131 of 1933	Motor Vehicles Act, 1933.
No. 1580 of 1923	Width of Tires Act, 1923.
No. 1641 of 1924	Width of Tires Act Amendment Act, 1924.
No. 1714 of 1925	Width of Tires Act Amendment Act, 1925.
No. 1961 of 1930	Width of Tires Act, 1930.
No. 1699 of 1925	Vehicles (Licensing) Act, 1925.
No. 1823 of 1927	Vehicles (Licensing) Amendment Act, 1927.
No. 2169 of 1934	Lights on Vehicles Act Amendment Act, 1934.

TABLES OF ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA.

TABLE OF PUBLIC GENERAL ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA, INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia which were unrepealed as at 3rd April, 1939. It also includes cross references to the subject matters dealt with by legislation.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, the reference given is to the volume and page where the Act is reprinted. In the case of any other Act, the reference given is to the annual volume of Statutes in which the Act is printed.

Title or Subject Matter.	Volume.	Page.
ABATTOIRS ACT, 1911-1936	1	1
ABATTOIRS ACT AMENDMENT ACT, 1938	1938	190
Abattoirs *see also* Health: Local Government: Metropolitan and Export Abattoirs: Port Lincoln Abattoirs.		
ABORIGINES ACT, 1934	1	38
Absinthe *see* Food and Drugs.		
Absconding Debtors *see* Debtors: Local Court: Supreme Court.		
Accidents, Notice of *see* Hospitals: Road Traffic.		
Accumulations *see* Law of Property.		
Acts, Administration of *see* Administration of Acts.		
ACTS INTERPRETATION ACT, 1915-1936	1	55
Acts, Reprint of *see* Acts Republication: Amendments Incorporation.		
ACTS REPUBLICATION ACT, 1934	1	73
Adelaide Circulating Library *see* Public Library, Museum, and Art Gallery, and Institutes.		
Adelaide Hospital *see* Hospitals: Public Charities Funds.		
ADELAIDE SHOW GROUNDS (BY-LAWS) ACT, 1929	1	76
Adelaide Show Grounds *see also* Table of Public Acts of Restricted Application.		

Title or Subject Matter.	Volume.	Page.
ADMINISTRATION AND PROBATE ACT, 1919-1936	1	79
ADMINISTRATION AND PROBATE ACT AMENDMENT ACT, 1937	1937	102
THE ADMINISTRATION OF ACTS ACT, 1910	1	133
ADMINISTRATION OF JUSTICE ACT, 1921-1926	1	135
ADOPTION OF CHILDREN ACT, 1925-1934	1	140
ADULTERATION OF WINE AND BRANDY ACT, 1907-1935	1	152
ADVANCES FOR HOMES ACT, 1928-1935	1	156
ADVANCES TO SETTLERS ACT, 1930	1	193
Advertisements *see* Control of Advertisements : Local Government.		
Affidavits *see* Evidence : Evidence (Affidavits) : Oaths : Supreme Court.		
Affiliation *see* Maintenance.		
Affirmations *see* Oaths.		
THE AGENT-GENERAL ACT, 1901-1934	1	206
Agents, Business *see* Business Agents.		
Agents' Commission *see* Secret Commissions Prohibition.		
Agents, Land *see* Land Agents.		
Agents, Mercantile *see* Mercantile Law.		
AGRICULTURAL COLLEGE ACT, 1936	1	208
AGRICULTURAL COLLEGE ACT AMENDMENT ACT, 1938	1938	112
AGRICULTURAL GRADUATES LAND SETTLEMENT ACT, 1922-1935	1	212
AGRICULTURAL GRADUATES LAND SETTLEMENT ACT AMENDMENT ACT, 1938	1938	82
THE AGRICULTURAL HOLDINGS ACT, 1891	1	220
AGRICULTURAL SEEDS ACT, 1938	1938	51
AIR NAVIGATION ACT, 1937	1937	47
Aliens *see* Law of Property.		
ALSATIAN DOGS ACT, 1934	1	232
AMENDMENTS INCORPORATION ACT, 1937	1937	49
Amusements Duty *see* Stamp Duties.		

Title or Subject Matter.	Volume.	Page.
ANATOMY ACT, 1884-1934	1	236
Ancient Lights *see* Law of Property.		
ANIMALS AND BIRDS PROTECTION ACT, 1919-1934	1	242
ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1938	1938	19
ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1938	285
Animals, Cruelty to *see* Prevention of Cruelty to Animals.		
ANZAC HIGHWAY AGREEMENT ACT, 1937	1937	25
APIARIES ACT, 1931-1935	1	263
Apportionment *see* Law of Property.		
APPRAISERS ACT, 1934	1	271
Apprentices *see* Industrial: Masters and Servants: Pharmacy: Technical Education of Apprentices.		
Appropriation Acts *see* Table of Public Acts of Restricted Application.		
ARBITRATION ACT, 1891-1934	1	273
Artesian Bores *see* Pastoral.		
Art Gallery *see* Public Library, Museum, and Art Gallery, and Institutes.		
Assayers *see* Gold Buyers.		
ASSOCIATIONS INCORPORATION ACT, 1929-1935	1	283
Associations Incorporation *see also* Companies: Community Hotels (Incorporation).		
AUCTIONEERS ACT, 1934	1	293
AUDIT ACT, 1921-1936	1	297
Australian Loan Council *see* Financial Agreement.		
Bagatelle *see* Licensing.		
THE BALLOT ACT OF 1862	1	313
Bank Holidays *see* Holidays.		

Title or Subject Matter.	Volume.	Page.
BANKING COMPANIES ACT, 1935	1	321
Banking Companies and Partnerships *see* Companies.		
Bank Notes *see* Banking Companies : Stamp Duties.		
Bankers' Books *see* Evidence.		
Barmaids *see* Licensing.		
Barristers *see* Legal Practitioners : Supreme Court.		
Bastardy *see* Maintenance.		
Beekeepers *see* Apiaries : Bush Fires.		
Betting *see* Lottery and Gaming.		
Billiards *see* Licensing.		
Bills of Lading *see* Mercantile Law.		
THE BILLS OF SALE ACT, 1886-1935	1	329
Birkenhead Bridge *see* Highways.		
Births *see* Births and Deaths Registration : Notification of Births.		
BIRTHS AND DEATHS REGISTRATION ACT, 1936	1	345
Board of Industry *see* Industrial.		
Boilers *see* Steam Boilers and Enginedrivers.		
Bookmakers *see* Lottery and Gaming.		
Boots *see* Footwear Regulation.		
BOTANIC GARDEN ACT, 1935	1	375
BRANDS ACT, 1933-1936	1	381
Brandy Adulteration *see* Adulteration of Wine and Brandy : Food and Drugs : Licensing.		
BREAD ACT, 1936	1	418
Brewers *see* Licensing.		
BROKEN HILL PROPRIETARY COMPANY'S INDENTURE ACT, 1937	1937	75
Broken Hill Proprietary Company *see also* Table of Public Acts of Restricted Application : Table of Private Acts.		
Brothels *see* Police.		
Broughton Irrigation *see* Lower River Broughton Irrigation Trust.		
BUILDING ACT, 1923-1935	1	424
Buildings *see also* Local Government.		

Title or Subject Matter.	Volume.	Page.
THE BUILDING SOCIETIES ACT, 1881-1936	1	513
BUILDING SOCIETIES ACT AMENDMENT ACT, 1938	1938	114
BUILDING SOCIETIES ACT, 1881-1938 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1938	307
Bulls *see* Dairy Cattle Improvement.		
Burials *see* Anatomy : Births and Deaths Registration : Coroners : Cremation : Local Government : Medical Practitioners.		
BUSH FIRES ACT, 1933-1935	1	536
BUSINESS AGENTS ACT, 1938	1938	173
Business Names *see* Registration of Business Names.		
Butter *see* Dairy Industry : Dairy Produce : Food and Drugs : Margarine.		
CAMELS DESTRUCTION ACT, 1925-1926	1	554
THE CARRIERS ACT, 1891	1	556
Carriers *see also* Road and Railway Transport.		
Cellulose (Australia) Limited *see* Surplus Revenue.		
Cemeteries *see* Cremation : Local Government.		
Censorship *see* Places of Public Entertainment.		
CHAFF AND HAY ACT, 1922	1	560
CHAFF AND HAY ACT AMENDMENT ACT, 1938	1938	4
Charitable Funds *see* Public Charities Funds.		
Charitable Trusts Procedure *see* Trustee.		
Cheese *see* Dairy Industry : Dairy Produce : Food and Drugs.		
Chemists *see* Pharmacy.		
Children, Adoption of *see* Adoption of Children.		
Children, Legitimation of *see* Births and Deaths Registration.		
CHILDREN'S PROTECTION ACT, 1936	1	568
Circuit Courts *see* Supreme Court.		
CITRUS MARKETING ACT, 1931	1	574
Civil Service *see* Public Service.		
Closer Settlement *see* Crown Lands.		
Clubs *see* Licensing.		

Title or Subject Matter.	Volume.	Page.
COLLECTIONS FOR UNEMPLOYMENT ACT, 1930-1935	1	590
Combines *see* Fair Prices.		
COMMISSIONER OF PUBLIC WORKS INCORPORATION ACT, 1917	1	593
Commissions, Prohibition of *see* Secret Commissions Prohibition.		
Commissions, Royal *see* Royal Commissions.		
Commonwealth Housing *see* Advances for Homes.		
COMMONWEALTH LEGISLATIVE POWER ACT, 1931	1	594
COMMUNITY HOTELS (INCORPORATION) ACT, 1938	1938	93
THE COMPANIES ACT, 1934-1935	1	597
Companies *see also* Banking Companies: Insurance Companies (Deposits): Life Assurance Companies: Unclaimed Moneys.		
COMPULSORY ACQUISITION OF LAND ACT, 1925	1	870
CONCILIATION ACT, 1929	1	919
CONSOLIDATION OF REGULATIONS ACT, 1937	1937	124
CONSTITUTION ACT, 1934-1936	2	1
CONSTITUTION ACT AMENDMENT ACT, 1937.....	1937	134
CONTROL OF ADVERTISEMENTS ACT, 1916-1935.....	2	40
CONTROL OF WATERS ACT, 1919-1935.....	2	44
Conversion of Public Securities *see* Commonwealth Legislative Power: Financial Emergency.		
Conveyancing *see* Homestead: Law of Property: Real Property: Registration of Deeds: Settled Estates: Trustee: Wills.		
CONVICTED INEBRIATES ACT, 1913-1934	2	56
Convicts' Property *see* Criminal Law Consolidation.		
Copyright *see* Table of Public Acts of Restricted Application.		
CORNSACKS ACT, 1938	1938	124
CORONERS ACT, 1935	2	62

Title or Subject Matter.	Volume.	Page.
COURSING RESTRICTION ACT, 1927	2	74
Court of Disputed Returns *see* Electoral.		
Courts, Maintenance of Order in *see* Law Courts (Maintenance of Order).		
Cream *see* Dairy Industry : Food and Drugs.		
CREMATION ACT, 1891-1936	2	76
Criminal Appeals *see* Criminal Law Consolidation.		
CRIMINAL LAW CONSOLIDATION ACT, 1935	2	81
CROWN DEBTORS RELIEF ACT, 1934	2	216
CROWN LANDS ACT, 1929-1936	2	219
CROWN LANDS ACT AMENDMENT ACT, 1937	1937	88
CROWN LANDS ACT AMENDMENT ACT, 1938	1938	95
Cruelty to Animals *see* Prevention of Cruelty to Animals.		
Dairies *see* Dairy Industry : Food and Drugs : Health.		
DAIRY CATTLE IMPROVEMENT ACT, 1921-1934	2	343
DAIRY INDUSTRY ACT, 1928-1935	2	349
DAIRY INDUSTRY ACT AMENDMENT ACT, 1937	1937	129
DAIRY PRODUCE ACT, 1934-1935	2	366
DAIRY PRODUCE ACT AMENDMENT ACT, 1937	1937	12
DAIRY PRODUCE ACT AMENDMENT ACT, 1938	1938	39
DANGEROUS DRUGS ACT, 1934	2	372
Dealers *see* Marine Stores : Second-hand Dealers.		
Death Certificates *see* Births and Deaths Registration : Medical Practitioners.		
Deaths Registration *see* Births and Deaths Registration.		
DEBT ADJUSTMENT ACT, 1929-1932	2	383
Debt Adjustment *see also* Farmers Assistance : Primary Producers Debts.		
DEBTORS ACT, 1936	2	393
Declarations *see* Oaths.		
Defamation *see* Wrongs.		

Title or Subject Matter.	Volume.	Page.
DENTISTS ACT, 1931-1936	2	396
Destitute Persons *see* Interstate Destitute Persons Relief: Maintenance.		
DISCHARGED SOLDIERS SETTLEMENT ACT, 1934-1935	2	422
Distillers *see* Licensing.		
Distress for Rent *see* Landlord and Tenant.		
District Councils *see* Local Government.		
Divorce *see* Matrimonial Causes.		
Dogs *see* Alsatian Dogs: Coursing Restriction: Registration of Dogs: Wild Dogs.		
DRAUGHT STALLIONS ACT, 1932-1934	2	448
DRIED FRUITS ACT, 1934	2	462
DRIED FRUITS ACT AMENDMENT ACT, 1938	1938	136
Drought Relief *see* Table of Public Acts of Restricted Application.		
Drought Relief Charges *see* Farmers Assistance.		
Drugs *see* Dangerous Drugs: Food and Drugs.		
EARLY CLOSING ACT, 1926-1935	2	477
Earmarks *see* Brands.		
EASTER ACT, 1929	2	524
EDUCATION ACT, 1915-1935	2	525
Ejectment *see* Local Courts: Real Property.		
THE ELECTION OF SENATORS ACT, 1903	2	566
Elections *see* Ballot: Electoral.		
ELECTORAL ACT, 1929-1934	2	567
ELECTORAL ACT AMENDMENT ACT, 1937	1937	130
Electoral Districts *see* Constitution.		
Electric Supply Works *see* Local Government.		
EMPLOYEES REGISTRY OFFICES ACT, 1915-1934	2	632
EMPLOYERS LIABILITY ACT, 1934	2	642
Enginedrivers *see* Steamboilers and Enginedrivers.		
THE ESTATES TAIL ACT, 1881	2	647

Title or Subject Matter.	Volume.	Page.
EVIDENCE ACT, 1929-1933	2	649
EVIDENCE (AFFIDAVITS) ACT, 1928	2	676
Executive *see* Constitution.		
Exhumations *see* Coroners.		
EXPLOSIVES ACT, 1936	2	677
Export Meat Works *see* Metropolitan and Export Abattoirs.		
Factories *see* Industrial: Local Government: Manufacturing Industries Protection.		
Factors *see* Mercantile Law.		
FAIR PRICES ACT, 1924-1935	2	699
FARMERS ASSISTANCE ACT, 1933-1936	2	707
FARMERS ASSISTANCE (EXTENSION) ACT, 1938	1938	170
Farmers Relief *see* Table of Public Acts of Restricted Application.		
Fatal Accidents *see* Wrongs.		
FAUNA AND FLORA RESERVE ACT, 1919-1935	2	740
FEDERAL AID ROADS AGREEMENT ACT, 1926	2	752
FEDERAL AID ROADS AGREEMENT ACT, 1930	2	756
AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1931	2	760
AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1936	2	765
FEDERAL AID ROADS AGREEMENT ACT, 1937	1937	5
FEES REGULATION ACT, 1927	2	768
FENCES ACT, 1924-1926	3	1
Fences *see also* Bush Fires: Vermin.		
Fencing Loans *see* Advances to Settlers: Loans for Fencing and Water Piping: Vermin.		
Ferries *see* Harbors: Local Government.		
FERTILISERS ACT, 1918	3	11
FIBRE AND SPONGES ACT, 1909-1935	3	27
FIBRE AND SPONGES ACT AMENDMENT ACT, 1937	1937	104

Title or Subject Matter.	Volume.	Page.
FINANCIAL AGREEMENT ACT, 1927	3	33
Financial Agreement *see also* Supplementary Financial Agreement (Soldiers Settlement Loans).		
FINANCIAL EMERGENCY ACT, 1931-1936	3	46
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1931	3	61
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1934	3	66
FINANCIAL EMERGENCY ACT AMENDMENT ACT, 1937	1937	11
Firearms *see* Animals and Birds Protection: Firearms Registration: Firearms Restriction (River Murray): Pistol Licence: Use of Firearms Restriction.		
FIREARMS REGISTRATION ACT, 1919-1934	3	69
FIREARMS RESTRICTION (RIVER MURRAY) ACT, 1929	3	75
FIRE BRIGADES ACT, 1936	3	78
FIRE BRIGADES ACT AMENDMENT ACT, 1938	1938	17
Fires *see* Bush Fires.		
Firms *see* Companies: Partnership: Registration of Business Names.		
FISHERIES ACT, 1917-1935	3	115
FISHERIES ACT AMENDMENT ACT, 1938	1938	29
FISHERIES ACT AMENDMENT ACT (No. 2), 1938	1938	171
FISHERIES ACT, 1917-1938 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1938	338
Flinders Chase *see* Fauna and Flora Reserve.		
Flour Prices *see* Wheat Products Prices.		
FOOD AND DRUGS ACT, 1908-1935	3	139
FOOTWEAR REGULATION ACT, 1920	3	173
Foreshores *see* Harbors: Local Government.		
Forests *see* Woods and Forests.		
Fraudulent Conveyances *see* Law of Property.		
FRIENDLY SOCIETIES ACT, 1919-1936	3	178
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1937	1937	121

Title or Subject Matter.	Volume.	Page.
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1938	1938	233
Fruit *see* Dried Fruits : Fruit and Vegetables (Grading) : Fruit and Vegetables (Prevention of Injury) : Liens on Fruit : Sale of Fruit : Vine, Fruit, and Vegetable Protection.		
FRUIT AND VEGETABLES (GRADING) ACT, 1934	3	215
FRUIT AND VEGETABLES (PREVENTION OF INJURY) ACT, 1927	3	221
Fungicides *see* Pest Destroyers.		
Furniture *see* Sale of Furniture.		
Game *see* Animals and Birds Protection.		
Gaming *see* Lottery and Gaming.		
Gaols *see* Prisons.		
GARDEN SUBURB ACT, 1919-1936.....	3	223
GAS ACT, 1924	3	236
Gas *see also* Meters and Gas.		
Gasworks *see* Local Government.		
GENERAL TRAMWAYS ACT, 1884-1935	3	264
GOLD BUYERS ACT, 1916-1935	3	294
GOODS (TRADE DESCRIPTIONS) ACT, 1935	3	315
Goods *see also* Sale of Goods : Trading Stamps.		
GOVERNMENT HOUSE DOMAIN DEDICATION ACT, 1927-1935..	3	325
GOVERNMENT LABOUR EXCHANGE ACT, 1931	3	326
Grasshoppers *see* Noxious Insects.		
THE GUARDIANSHIP OF INFANTS ACT, 1887	3	328
Guarantee, Contracts of *see* Mercantile Law.		
Gun Licences *see* Animals and Birds Protection.		
Habitual Criminals *see* Criminal Law Consolidation.		
HARBORS ACT, 1936	3	333
HAWKERS ACT, 1934	3	425
Hay *see* Chaff and Hay.		
HEALTH ACT, 1935-1936.....	3	432

Title or Subject Matter.	Volume.	Page.
Hide, Skin, and Wool Dealers Act, 1915-1935	3	476
Highways Act, 1926-1936	3	483
Highways Act Amendment Act, 1937	1937	40
Highways Act Amendment Act, 1938	1938	14
Hire-Purchase *see* Hire Purchase Agreements: Money Lenders.		
Hire-Purchase Agreements Act, 1931	3	513
The Holidays Act, 1910-1935	3	519
Homestead Act, 1895-1935	3	522
Homing Pigeons *see* Police.		
Hospitals Act, 1934	3	531
Hospitals, Establishment and Licensing of *see* Health: Local Government: Maintenance.		
Housing *see* Advances for Homes: Building Societies: South Australian Housing Trust.		
Immigration Act, 1923-1935	3	554
Immigration Act Amendment Act, 1937	1937	14
Impounding Act, 1920-1935	3	563
Impounding Act Amendment Act, 1938	1938	129
Imprint Act, 1863-1935	3	590
Imprisonment for Debt *see* Debtors.		
Income Tax Assessment Act, 1936	3	593
Income Tax (Rates) Act, 1936	3	698
Income Tax (Rates) Act, 1937	1937	42
Income Tax (Rates) Act, 1938	1938	74
Indecent Publications *see* Police.		
Industrial and Provident Societies Act, 1923-1935....	3	703

Title or Subject Matter.	Volume.	Page.
INDUSTRIAL CODE, 1920-1936	3	733
Industrial Diseases *see* Workmen's Compensation.		
Industries Encouragement *see* Native Industries Encouragement.		
Industries Protection *see* Manufacturing Industries Protection.		
INEBRIATES ACT, 1908-1934	4	1
Inebriates *see also* Convicted Inebriates: Licensing.		
Infants, Guardianship of *see* Guardianship of Infants.		
Infants Property *see* Administration and Probate: Law of Property: Moneylenders.		
Infectious Diseases Hospital *see* Metropolitan Infectious Diseases Hospital.		
INFLAMMABLE OILS ACT, 1908-1935	4	10
Inheritance *see* Administration and Probate: Law of Property.		
THE INNKEEPERS ACT, 1888-1935	4	32
Inquests *see* Bush Fires: Coroners: Fire Brigades.		
Insecticides *see* Pest Destroyers.		
Insolvency *see* Table of Public Acts of Restricted Application.		
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT, 1937	1937	109
Institutes *see* Public Library, Museum, Art Gallery, and Institutes.		
Insurance *see* Insurance Companies (Deposits): Life Assurance Companies: Road Traffic.		
INSURANCE COMPANIES (DEPOSITS) ACT, 1924-1931	4	35
INTER-STATE DESTITUTE PERSONS RELIEF ACT, 1910-1934	4	41
Intestate Estates *see* Administration and Probate.		
IRRIGATION ACT, 1930-1936	4	56
Jetties *see* Harbors: Local Government.		
Judgments, Reciprocal Enforcement of *see* Administration of Justice.		
Judicial Separation *see* Matrimonial Causes.		
Judiciary *see* Constitution: Supreme Court.		
JURIES ACT, 1927	4	112

Title or Subject Matter.	Volume.	Page.
JURIES ACT AMENDMENT ACT, 1937	1937	54
JUSTICES ACT, 1921-1936	4	138
Justices of the Peace *see* Justices: Sex Disqualification (Removal).		
Kerosine *see* Inflammable Oils.		
Labour Exchange *see* Government Labour Exchange.		
Land Acquisition *see* Compulsory Acquisition of Land: Lands for Public Purposes Acquisition.		
LAND AGENTS ACT, 1925-1936	4	217
Land Brokers *see* Real Property.		
LANDLORD AND TENANT ACT, 1936	4	241
Landlord and Tenant *see also* Agricultural Holdings.		
LANDLORD AND TENANT (RENT REDUCTION) ACT, 1932-1936	4	260
THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914-1935	4	269
LAND TAX ACT, 1936	4	274
LAW COURTS (MAINTENANCE OF ORDER) ACT, 1928	4	302
LAW OF PROPERTY ACT, 1936	4	305
Law Society *see* Legal Practitioners: Poor Persons Legal Assistance.		
LEGAL PRACTITIONERS ACT, 1936	4	354
LEGAL PRACTITIONERS ACT AMENDMENT ACT, 1938	1938	83
Legislature *see* Constitution.		
Legitimation *see* Births and Deaths Registration.		
Libel *see* Wrongs.		
LICENSING ACT, 1932-1936	4	375
Licensing *see also* Community Hotels (Incorporation).		
Liens for Freight *see* Mercantile Law.		
Liens of Unpaid Vendors *see* Mercantile Law: Sale of Goods.		
LIENS ON FRUIT ACT, 1923-1932	4	542
Liens on Wool *see* Stock Mortgages and Wool Liens.		
Liens, Workmen's *see* Workmen's Liens.		

Title or Subject Matter.	Volume.	Page.
LIFE ASSURANCE COMPANIES ACT, 1936	4	548
LIFTS REGULATION ACT, 1908-1934	4	576
Lights on Vehicles *see* Road Traffic.		
LIMITATION OF ACTIONS ACT, 1936	4	582
Living Wage *see* Industrial.		
Loan Acts *see* Table of Public Acts of Restricted Application.		
LOANS FOR FENCING AND WATER PIPING ACT, 1938	1938	98
LOANS TO PRODUCERS ACT, 1927	4	616
Local Acts *see* Table of Public Acts of Restricted Application.		
LOCAL COURTS ACT, 1926-1936	4	623
LOCAL GOVERNMENT ACT, 1934-1936	5	1
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1938	1938	201
Local Government By-laws, Offences Against *see* Police.		
Local Option *see* Licensing.		
Lockouts *see* Industrial.		
Lodgers' Protection *see* Landlord and Tenant.		
Lodging Houses *see* Health : Local Government.		
LOTTERY AND GAMING ACT, 1936	5	401
LOTTERY AND GAMING ACT AMENDMENT ACT, 1938	1938	40
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 2), 1938	1938	159
LOTTERY AND GAMING ACT, 1936-1938 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1938	367
LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938	1938	235
Lunacy *see* Mental Defectives.		
Lyrup Village Settlement *see* Crown Lands.		
Main Roads *see* Highways.		
MAINTENANCE ACT, 1926-1936	5	461
MAINTENANCE ACT, 1937	1937	63
MAINTENANCE ACT AMENDMENT ACT, 1937	1937	132

Title or Subject Matter.	Volume.	Page.
MAINTENANCE ACT, 1926-1937. (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1937	137
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1922-1925	5	543
Maintenance Orders *see also* Inter-State Destitute Persons Relief.		
MANNINGHAM RECREATION GROUND ACT, 1936	5	550
Manufacturing Districts *see* Local Government.		
MANUFACTURING INDUSTRIES PROTECTION ACT, 1937	1937	52
Manures *see* Fertilisers.		
MARGARINE ACT, 1934	5	553
MARINE ACT, 1936	5	556
THE MARINE STORES ACT, 1898-1935	5	624
THE MARKETS CLAUSES ACT, 1870-1935	5	639
THE MARKETS CLAUSES ACT AMENDMENT ACT, 1937	1937	105
MARRIAGE ACT, 1936	5	653
Married Women's Property *see* Law of Property.		
Married Women's Protection *see* Maintenance.		
THE MASTERS AND SERVANTS ACT, 1878-1935	5	683
Matches *see* Bush Fires: White Phosphorus Matches Prohibition.		
MATRIMONIAL CAUSES ACT, 1929-1936	5	693
MATRIMONIAL CAUSES ACT AMENDMENT ACT, 1938	1938	278
Mechanical Coursing *see* Coursing Restriction.		
MEDICAL PRACTITIONERS ACT, 1919-1935.....	5	729
Medical Science *see* Institute of Medical and Veterinary Science.		
Meetings *see* Public Meetings.		
MENTAL DEFECTIVES ACT, 1935-1936	5	746
Mental Defectives Property *see also* Law of Property.		
Mental Nurses *see* Nurses Registration.		

Title or Subject Matter.	Volume.	Page.
MERCANTILE LAW ACT, 1936	6	1
THE METERS AND GAS ACT, 1881	6	7
METROPOLITAN AND EXPORT ABATTOIRS ACT, 1936	6	23
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1937	1937	116
Metropolitan County Board *see* Food and Drugs: Health.		
METROPOLITAN DRAINAGE ACT, 1935	6	69
METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1922-1935	6	83
Midwives *see* Nurses Registration.		
Milk *see* Dairy Industry: Food and Drugs: Health.		
MINES AND WORKS INSPECTION ACT, 1920-1935	6	102
MINING ACT, 1930-1931	6	116
MINING ACT AMENDMENT ACT, 1931	6	161
MINING ON PRIVATE PROPERTY ACT, 1909-1936	6	169
Ministers of the Crown *see* Constitution.		
Minor Indictable Offences *see* Justices.		
Model By-laws *see* Local Government.		
MONEY-LENDERS ACT, 1924-1936	6	201
Moneys, Unclaimed *see* Unclaimed Moneys.		
Mortgages *see* Law of Property: Real Property.		
MORTGAGORS RELIEF ACT, 1931-1936	6	215
Motor Omnibuses *see* Local Government: Municipal Tramways Trust.		
Motor Vehicles *see* Road Traffic.		
Municipal Corporations *see* Local Government.		
THE MUNICIPAL TRAMWAYS TRUST ACT, 1935	6	227
MUNICIPAL TRAMWAYS TRUST (LEASES) ACT, 1937	1937	98
Museum *see* Public Library, Museum, and Art Gallery, and Institutes.		

Title or Subject Matter.	Volume.	Page.
THE NATIONAL PARK ACT, 1891-1935	6	273
THE NATIONAL PLEASURE RESORTS ACT, 1914-1935	6	279
NATIVE INDUSTRIES ENCOURAGEMENT ACT, 1872	6	288
Neglected Children *see* Maintenance.		
Noisy Trades *see* Local Government: Manufacturing Industries Protection.		
NOMENCLATURE ACT, 1935	6	291
THE NORTHERN TERRITORY SURRENDER ACT, 1907	6	293
NORTHERN TERRITORY SURRENDER ACT AMENDMENT ACT, 1919	6	302
NORTH-SOUTH RAILWAY AGREEMENT ACT, 1926	6	305
Notaries Public *see* Legal Practitioners: Sex Disqualification (Removal).		
NOTIFICATION OF BIRTHS ACT, 1926-1936	6	313
NOXIOUS INSECTS ACT, 1934	6	315
NOXIOUS WEEDS ACT, 1931-1935	6	319
NOXIOUS WEEDS ACT AMENDMENT ACT, 1938	1938	41
Nuisance by Manufacturies *see* Local Government: Manufacturing Industries Protection.		
Nullity of Marriage *see* Matrimonial Causes.		
NURSES REGISTRATION ACT, 1920-1934	6	340
NURSES REGISTRATION ACT AMENDMENT ACT, 1938	1938	85
OATHS ACT, 1936	6	363
Oaths *see also* Evidence.		
OFFENDERS PROBATION ACT, 1913-1934	6	372
Offensive Trades *see* Health: Local Government.		
Oils, Inflammable *see* Inflammable Oils.		
OPTICIANS ACT, 1920-1935	6	379
Oyster Fisheries *see* Fisheries.		
Parliament *see* Constitution: Electoral: Payment of Members of Parliament: Public Works Standing Committee.		

Title or Subject Matter.	Volume.	Page.
PARLIAMENT HOUSE ACT, 1934	6	398
Partition *see* Law of Property.		
THE PARTNERSHIP ACT, 1891-1935	6	400
Partnership *see also* Companies: Registration of Business Names.		
PASTORAL ACT, 1936	6	414
PAWNBROKERS ACT, 1888-1934	6	464
PAYMENT OF MEMBERS OF PARLIAMENT ACT, 1936	6	485
Perpetuities *see* Law of Property.		
Perpetuities, Rule against *see* Companies.		
PEST DESTROYERS ACT, 1919-1935	6	487
Petition for Mercy *see* Criminal Law Consolidation.		
Petition of Right *see* Supreme Court.		
Petrol *see* Inflammable Oils.		
PHARMACY ACT, 1935-1936	6	501
PHARMACY ACT AMENDMENT ACT, 1937	1937	51
PHYLLOXERA ACT, 1936	6	518
PHYLLOXERA ACT AMENDMENT ACT, 1937	1937	100
Pilotage *see* Harbors.		
PISTOL LICENCE ACT, 1929	6	534
THE PLACES OF PUBLIC ENTERTAINMENT ACT, 1913-1934	6	541
Pleasure Resorts *see* National Pleasure Resorts.		
Poisons *see* Dangerous Drugs: Food and Drugs.		
POLICE ACT, 1936	6	557
POLICE ACT AMENDMENT ACT, 1938	1938	64
Police Appeal Board *see* Police.		
POLICE PENSIONS ACT, 1929-1936	6	625
Police Prisons *see* Prisons.		
Policies Protection *see* Life Assurance Companies.		

Title or Subject Matter.	Volume.	Page.
POOR PERSONS LEGAL ASSISTANCE ACT, 1925	6	637
POOR PERSONS LEGAL ASSISTANCE ACT, 1936	6	640
PORT LINCOLN ABATTOIRS ACT, 1937	1937	95
Poultry Diseases *see* Stock and Poultry Diseases.		
Powers *see* Law of Property.		
Powers of Attorney *see* Real Property: Registration of Deeds.		
Precious Stones Buyers *see* Gold Buyers.		
Premises, Recovery of *see* Local Courts.		
PREVENTION OF CRUELTY TO ANIMALS ACT, 1936	6	643
Price Fixing *see* Fair Prices.		
PRIMARY PRODUCERS DEBTS ACT, 1935-1936	6	656
PRIMARY PRODUCERS DEBTS ACT AMENDMENT ACT, 1937.	1937	57
Printers *see* Imprint.		
PRISONS ACT, 1936	6	670
Private Acts *see* Table of Private Acts.		
Promissory Oaths *see* Oaths.		
PROOF OF SUNRISE AND SUNSET ACT, 1923	6	695
Property *see* Agricultural Holdings: Estates Tail: Homestead: Landlord and Tenant: Law of Property: Limitation of Actions: Real Property: Registration of Deeds: Settled Estates: Trustee: Wills.		
Provident Societies *see* Industrial and Provident Societies.		
Publicans *see* Innkeepers: Licensing.		
PUBLIC CHARITIES FUNDS ACT, 1935	6	697
PUBLIC FINANCE ACT, 1936	6	710
Public Holidays *see* Holidays.		
PUBLIC LIBRARY, MUSEUM, AND ART GALLERY, AND INSTITUTES ACT, 1936	6	723
PUBLIC MEETINGS ACT, 1912-1934	6	783
Public Moneys *see* Audit.		
Public Notaries *see* Legal Practitioners: Sex Disqualification (Removal).		

Title or Subject Matter.	Volume.	Page.
PUBLIC SALARIES ACT, 1936	6	785
PUBLIC SERVICE ACT, 1936	7	1
PUBLIC SERVICE ACT AMENDMENT ACT, 1937	1937	123
PUBLIC SERVICE ACT AMENDMENT ACT (No. 2), 1937	1937	126
PUBLIC SERVICE ACT AMENDMENT ACT, 1938	1938	199
Public Service Superannuation *see* Superannuation: Table of Public Acts of Restricted Application.		
PUBLIC SUPPLY AND TENDER ACT, 1914-1930	7	41
PUBLIC WORKS STANDING COMMITTEE ACT, 1927-1935	7	47
Railway Officers Classification Board *see* South Australian Railways Commissioner.		
Railway Service Appeal Board *see* South Australian Railways Commissioner.		
Railways *see* North-South Railway Agreement: Redhill to Port Augusta Railway Agreement: Road and Railway Transport: South Australian Railways Commissioner.		
Railways Construction Acts *see* Table of Public Acts of Restricted Application: Table of Private Acts.		
THE REAL PROPERTY ACT, 1886-1936	7	59
REAL PROPERTY (COMMONWEALTH TITLES) ACT, 1924	7	154
Re-assurances *see* Mercantile Law.		
RECREATION GROUNDS (REGULATIONS) ACT, 1931-1935	7	158
THE RECREATION GROUNDS TAXATION EXEMPTION ACT, 1910	7	161
REDHILL TO PORT AUGUSTA RAILWAY AGREEMENT ACT, 1935	7	163
REDUNDANT OFFICERS FUND ACT, 1936	7	171
Reformatories *see* Maintenance.		
Registration of Births and Deaths *see* Births and Deaths Registration.		
REGISTRATION OF BUSINESS NAMES ACT, 1928-1932	7	173
REGISTRATION OF DEEDS ACT, 1935	7	184

Title or Subject Matter.	Volume.	Page.
REGISTRATION OF DOGS ACT, 1924-1929	7	204
Registry Offices *see* Employees Registry Offices.		
Regulations *see* Acts Interpretation: Consolidation of Regulations.		
RENMARK IRRIGATION TRUST ACT, 1936	7	217
Rent Reduction *see* Landlord and Tenant (Rent Reduction).		
Repatriation *see* Discharged Soldiers Settlement.		
RIVER MURRAY WATERS ACT, 1935	7	287
River Murray *see also* Control of Waters: Firearms Restriction (River Murray).		
RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT, 1927-1934	7	317
Road Accidents, Notice of *see* Hospitals: Road Traffic.		
ROAD AND RAILWAY TRANSPORT ACT, 1930-1935	7	320
Roads Agreement *see* Federal Aid Roads Agreement.		
ROADS (OPENING AND CLOSING) ACT, 1932-1936	7	342
Roads *see also* Impounding: Highways: Local Government: Town Planning.		
ROAD TRAFFIC ACT, 1934-1936	7	359
ROAD TRAFFIC ACT AMENDMENT ACT, 1938	1938	140
ROAD TRAFFIC ACT, 1934-1938 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1938	432
Roseworthy College *see* Agricultural College: Agricultural Graduates Land Settlement.		
Royal Agricultural and Horticultural Society *see* Adelaide Show Grounds.		
Royal Arms *see* Unauthorised Documents.		
ROYAL COMMISSIONS ACT, 1917	7	457
Royal Warrant *see* Goods (Trade Descriptions).		
SALE OF FRUIT ACT, 1915-1935	7	465
SALE OF FURNITURE ACT, 1904-1935	7	473
THE SALE OF GOODS ACT, 1895-1936	7	475

Title or Subject Matter.	Volume.	Page.
SALE OF GOODS ACT AMENDMENT ACT, 1937	1937	56
SANDALWOOD ACT, 1930-1936	7	498
SAND DRIFT ACT, 1923-1935	7	502
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT, 1929-1935..	7	526
SCAFFOLDING INSPECTION ACT, 1934	7	557
SCHOOL OF MINES AND INDUSTRIES ACT, 1892-1934	7	565
SECOND-HAND DEALERS ACT, 1919-1934	7	570
SECRET COMMISSIONS PROHIBITION ACT, 1920	7	582
Seeds *see* Agricultural Seeds.		
Senators *see* Election of Senators.		
Servants *see* Masters and Servants.		
THE SETTLED ESTATES ACT, 1880	7	590
THE SETTLED ESTATES ACT AMENDMENT ACT, 1889	7	604
SEWERAGE ACT, 1929-1936	7	605
SEX DISQUALIFICATION (REMOVAL) ACT, 1921	7	645
Shares, Restriction on sale of *see* Companies.		
SHEARERS ACCOMMODATION ACT, 1922-1925	7	647
Sheep Dipping *see* Stock and Poultry Diseases.		
Sheriff *see* Supreme Court.		
Shipping *see* Explosives: Harbors: Inflammable Oils: Marine.		
Shipping Collisions *see* Marine: Supreme Court.		
Shoes *see* Footwear Regulation.		
Shops *see* Early Closing: Industrial.		
Showgrounds *see* Adelaide Show Grounds.		
Silver Buyers *see* Gold Buyers.		
Sinking Fund *see* Financial Agreement: Public Finance.		
Skin Dealers *see* Hide, Skin and Wool Dealers.		
Slander *see* Wrongs.		
Slaughterhouses *see* Abattoirs: Health: Local Government: Metropolitan and Export Abattoirs: Port Lincoln Abattoirs.		
Soap *see* Food and Drugs.		
Societies *see* Associations Incorporation: Building Societies: Friendly Societies: Industrial and Provident Societies: Trade Union: Unclaimed Moneys.		

Title or Subject Matter.	Volume.	Page.
Soldier Settlement *see* Discharged Soldiers Settlement.		
Soldiers' Memorial *see* Government House Domain Dedication.		
Solicitors *see* Legal Practitioners: Supreme Court.		
South Australian Gas Company *see* Gas: Table of Private Acts.		
SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936	7	653
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1937	1937	107
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT, 1936	7	661
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT ACT, 1938	1938	67
SOUTH-EASTERN DRAINAGE ACT, 1931-1935	7	721
Sparrows *see* Local Government.		
Special Constables *see* Local Government: Police.		
Spectacle Sellers *see* Opticians.		
Spirits *see* Adulteration of Wine and Brandy: Food and Drugs: Licensing.		
Sponges *see* Fibre and Sponges.		
Stallions *see* Draught Stallions.		
STAMP DUTIES ACT, 1923-1936	7	762
STAMP DUTIES ACT AMENDMENT ACT, 1937	1937	59
STAMP DUTIES ACT, 1923-1937. (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1937	221
STAMP DUTIES ACT AMENDMENT ACT, 1938	1938	12
Stamp Duties *see also* Swine Compensation.		
THE STANDARD TIME ACT, 1898	7	811
STATE BANK ACT, 1925-1936	7	812
State Children *see* Maintenance.		
STATISTICS ACT, 1935	8	1

Title or Subject Matter.	Volume.	Page.
STATUTE LAW REVISION ACT, 1937	1937	20
Statute Law Revision *see also* Table of Public Acts of Restricted Application.		
Statute of Limitations *see* Limitation of Actions.		
Statutory Declarations *see* Oaths.		
STEAM BOILERS AND ENGINEDRIVERS ACT, 1935	8	5
Still-Births *see* Births and Deaths Registration.		
STOCK AND POULTRY DISEASES ACT, 1934	8	39
STOCK LICKS ACT, 1931	8	64
STOCK MORTGAGES AND WOOL LIENS ACT, 1924-1935	8	70
Strikes *see* Industrial Code.		
SUBDIVIDED LAND DEBTS ACT, 1932-1934	8	83
SUCCESSION DUTIES ACT, 1929-1936	8	90
Suitors' Funds *see* Supreme Court.		
Summary Jurisdiction *see* Justices.		
Sunrise and Sunset *see* Proof of Sunrise and Sunset.		
SUPERANNUATION ACT, 1926-1935	8	129
SUPERANNUATION ACT AMENDMENT ACT, 1938	1938	196
Superannuation *see also* Police Pensions : Public Service Superannuation : Teachers' Superannuation.		
SUPPLEMENTARY FINANCIAL AGREEMENT (SOLDIER SETTLEMENT LOANS) ACT, 1934	8	160
Supply Acts *see* Table of Public Acts of Restricted Application.		
SUPREME COURT ACT, 1935-1936	8	168
SURPLUS REVENUE ACT, 1938	1938	79
Surplus Revenue *see also* Public Finance.		
SURVEYORS ACT, 1935	8	216

Title or Subject Matter.	Volume.	Page.
SWINE COMPENSATION ACT, 1936	8	234
Tax Agents *see* Income Tax Assessment.		
Taxation *see* Income Tax Assessment: Income Tax (Rates): Land Tax: Stamp Duties: Succession Duties.		
TECHNICAL EDUCATION OF APPRENTICES ACT, 1917-1934	8	243
Teachers Superannuation *see* Table of Public Acts of Restricted Application.		
Telegraphic Messages *see* Evidence.		
Tenants' Improvements *see* Agricultural Holdings.		
Testamentary Causes *see* Administration and Probate.		
TESTATOR'S FAMILY MAINTENANCE ACT, 1918	8	253
Theatres *see* Places of Public Entertainment.		
Time *see* Standard Time.		
TOBACCO INDUSTRY PROTECTION ACT, 1934	8	259
Totalizator *see* Lottery and Gaming: Stamp Duties.		
TOWN PLANNING ACT, 1929	8	261
Trade Descriptions *see* Goods (Trade Descriptions).		
THE TRADE UNION ACT, 1876-1935	8	270
Trade Unions *see also* Industrial.		
TRADING STAMP ACT, 1924-1935	8	280
Traffic *see* Local Government: Road Traffic.		
Tramways *see* General Tramways: Municipal Tramways Trust.		
Transport Control *see* Road and Railway Transport.		
Travelling Stock *see* Crown Lands: Impounding: Pastoral: Stock and Poultry Diseases: Travelling Stock Waybills.		
THE TRAVELLING STOCK WAYBILLS ACT, 1911-1936	8	286
TRESPASSING ON LAND ACT, 1928	8	295
TRUSTEE ACT (No. 2), 1931	8	297
TRUSTEE ACT, 1936	8	303
UNAUTHORISED DOCUMENTS ACT, 1916	8	342

Title or Subject Matter.	Volume.	Page.
UNCLAIMED MONEYS ACT, 1891-1935	8	345
Unemployment Collections *see* Collections for Unemployment.		
UNEMPLOYMENT RELIEF COUNCIL ACT, 1930	8	348
Unions *see* Industrial: Trade Union.		
UNIVERSITY OF ADELAIDE ACT, 1935-1936	8	352
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1937	1937	3
USE OF FIREARMS RESTRICTION ACT, 1917-1934	8	364
VACCINATION ACT, 1936	8	367
Valuers *see* Appraisers.		
Vegetables *see* Fruit and Vegetables (Grading): Fruit and Vegetables (Prevention of Injury): Vine, Fruit and Vegetable Protection.		
Vehicles Licensing *see* Road Traffic.		
VENEREAL DISEASES ACT, 1920-1935	8	380
VERMIN ACT, 1931-1936	8	396
Vermin Destroyers *see* Pest Destroyers.		
Veterinary Science *see* Institute of Medical and Veterinary Science.		
VETERINARY SURGEONS ACT, 1935-1936	8	511
VETERINARY SURGEONS ACT AMENDMENT ACT, 1938	1938	132
VINE, FRUIT, AND VEGETABLE PROTECTION ACT, 1885-1936	8	525
Vineyards Protection *see* Phylloxera.		
Vivisection *see* Prevention of Cruelty to Animals.		
Voluntary Payments for Local Government Offences *see* Police.		
Wages *see* Industrial: Masters and Servants.		
Wages Attachment *see* Mercantile Law.		
Waite Agricultural Research Institute *see* University of Adelaide.		
WAR FUNDS REGULATION ACT, 1916-1935	8	534
WAR SERVICE HOMES AGREEMENT ACT, 1934	8	542
War Service Homes *see* Advances for Homes.		

Title or Subject Matter.	Volume.	Page.
War Terms Regulation Act, 1920	8	547
Water Conservation Act, 1936	8	549
Water Piping Loans *see* Loans for Fencing and Water Piping.		
Waterworks Act, 1932-1936	8	579
Waybills for Stock *see* Travelling Stock Waybills.		
Weights and Measures Act, 1934	8	626
Weights and Measures Act Amendment Act, 1938	1938	3
Whaling Act, 1937	1937	68
Wheat Products Prices Act, 1938	1938	87
White Phosphorus Matches Prohibition Act, 1915-1934	8	654
Whyalla Blast Furnace *see* Broken Hill Proprietary Company's Indenture.		
Width of Tires *see* Road Traffic.		
Wild Dogs Act, 1931	8	657
Wild Dogs Act Amendment Act, 1938	1938	37
Wills Act, 1936	8	665
Wills *see also* Administration and Probate: Law of Property.		
Wine Adulteration *see* Adulteration of Wine and Brandy: Food and Drugs: Licensing.		
The Woods and Forests Act, 1882-1935	8	675
Wool Dealers *see* Hide, Skin, and Wool Dealers.		
Wool Liens *see* Stock Mortgages and Wool Liens.		
Workmen's Compensation Act, 1932-1935	8	693
Workmen's Compensation Act Amendment Act, 1938.	1938	274
The Workmen's Liens Act, 1893-1936	8	733
Wrongs Act, 1936	8	750

TABLE OF PUBLIC ACTS WHICH ARE OBSOLETE OR SUPERSEDED OR OF LOCAL OR RESTRICTED APPLICATION.

The following table contains a list of the public Acts of the Parliament of South Australia which were unrepealed as at 3rd April, 1939, and which were of a local or restricted application or of which the operation had been superseded by Commonwealth legislation or wholly or partially exhausted. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes Act, 1837-1936.

Title of Act.	Year.	Number.
Adelaide Electric Supply Company's Act, 1931 ..... *See also* (in the Table of Private Acts) The South Australian Electric Light and Motive Power Company's Act, 1897 *and* The Adelaide Electric Supply Company's Act, 1922	1931	2009
The Adelaide Gaol Reserve Alteration Act, 1911	1911	1039
Adelaide Park Lands Act, 1928	1928	1868
The Adelaide Park Lands Alteration Act, 1913	1913	1140
Adelaide Park Lands Alteration Act, 1917	1917	1275
Adelaide Park Lands Appropriation Act, 1880	1880	171
The Adelaide Show Grounds Act, 1913	1913	1136
Adelaide Show Grounds Act Amendment Act, 1923	1923	1590
Adelaide Show Grounds Act Amendment Act, 1925	1925	1706
Adelaide Show Grounds Act Amendment Act, 1935	1935	2202
Alberton Cemetery Act, 1938	1938	2396
Angas Recreation Park Act, 1937	1937	2347
Appropriation Act, 1936	1936	2295
Appropriation Act, 1937	1937	2349
Appropriation Act (No. 2), 1937	1937	2364
Appropriation Act, 1938	1938	2397
The Copyright Act, 1878	1878	95
The Drought Relief Act, 1914	1914	1165
Drought Relief Act Amendment Act, 1920	1920	1433
Drought Relief Act, 1919	1919	1397
Drought Relief Act, 1923	1923	1557
Drought Relief Act, 1926	1926	1731
Drought Relief Act, 1927	1927	1832
Drought Relief Act, 1928	1928	1886
Drought Relief (Extension) Act, 1929	1929	1926
The Encounter Bay, Goolwa, and Waitpinga Boundaries Act	1884	313
Farmers Relief Act, 1931	1931	1996
Farmers Relief Act Extension Act, 1931	1931	2057
Farmers Relief Act, 1932	1932	2100
Frost Relief Act, 1927	1927	1829
Funding Loan Act, 1932	1932	2086
Gladstone Park Lands Act, 1880	1880	178

Title of Act.	Year.	Number.
Glenelg Soldiers' Memorial Site Act, 1921	1921	1468
Hailstorm Relief (Validation) Act, 1925	1925	1664
Hummock Hill to Iron Knob Tramway Extension Act, 1927	1927	1821
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, *and* (in the Table of Private Acts) The Broken Hill Proprietary Company, Limited's, Hummock Hill to Iron Knob Tramway and Jetties Act, 1900		
The Insolvent Act, 1886	1886	385
The Insolvent Act Amendment Act, 1887	1887	404
The Insolvent Act Amendment Act, 1896	1896	655
The Insolvent Act Further Amendment Act, 1914	1914	1162
Insolvent Act Further Amendment Act, 1915	1915	1191
Insolvent Act Further Amendment Act, 1918	1918	1340
Insolvent Act Amendment Act, 1925	1925	1709
Jubilee Exhibition Act, 1885	1885	351
Lady Kintore Cottages Act, 1920	1920	1430
Largs Fort Encroachment Act, 1884	1884	330
Main Roads Fund Act, 1920	1920	1424
Main Roads Fund Act, 1922	1922	1535
The Married Woman's Property Amendment Act, 1898	1898	701
Mile End Overway Bridge Act, 1925	1925	1713
The Morphett Street Bridge Act	1881	222
Motor Spirit Vendors' Agreement (Validation) Act, 1927.	1927	1791
Mount Bold Waterworks Act, 1931	1931	2050
North Terrace and Railway Lands Act, 1926	1926	1742
North Terrace Alignment Act, 1925	1925	1715
North Terrace (Alignment) Act, 1929	1929	1928
Parliamentary Buildings Act, 1877	1877	87
Police Pensions Act, 1930	1930	1952
The Poonindie Exchange Act, 1895	1895	631
Port Adelaide Canal Supplementary Act, 1889	1889	473
See also (in the Table of Private Acts) The Port Adelaide Canal Act		
Port Adelaide Public Recreation Ground Act, 1878	1878	91
Port Adelaide Reserves Act, 1871	1871	6
Port Adelaide Water Frontage Act, 1886	1886	373
Port Adelaide Water Frontage Act, 1902	1902	810
The Port Adelaide Water Frontage Act, 1910	1910	1012
Port Augusta Park Lands Act, 1882	1882	258
The Port Lincoln Catholic Church Property Act	1879	134
Port Pirie Drill Hall Site Act, 1921	1921	1470
Port Pirie Laboratory Site Act, 1922	1922	1537
Port Pirie Park Lands Act, 1932	1932	2090
Public Purposes Loan Act, 1933	1933	2109
Public Purposes Loan Act, 1934	1934	2146
Public Purposes Loan Act, 1935	1935	2226
Public Purposes Loan Act, 1936	1936	2262
Public Purposes Loan Act, 1937	1937	2345
Public Purposes Loan Act, 1938	1938	2386
The Public Service Superannuation Fund Act, 1902	1902	792
Public Service Superannuation Fund Act Amendment Act, 1919	1919	1360

Title of Act.	Year.	Number.
Pyap Irrigation Trust Act Amendment Act, 1926	1926	1772
See also (in the Table of Private Acts) The Pyap Irrigation Trust Act, 1923		
The Railway and Corporation Lands Act, 1904	1904	853
Railway Acts—		
See also Railway Acts (in the Table of Private Acts)		
Adelaide and Gawler Town Railway Act, 1854	1854	18
The Adelaide and Gawler Town Railway Extension Act	1857-8	10
The Adelaide and Gawler Town Railway Further Extension Act	1858	2
Adelaide City and Port Railway Act, 1851	1851	1
Adelaide and Port Railway Loan Act, 1852	1852	12
Adelaide and Port Railway Loan Act, 1853	1853	18
The Adelaide and Port Adelaide Railway Extended Accommodation Act, 1873	1873	2
The Adelaide Loop-Line Railway Act, 1908	1908	966
The Adelaide Loop-Line Railway Act Amendment Act, 1909	1909	995
Adelaide to Nairne Railway Act, 1878	1878	117
Angle Pole Railway Act, 1887	1887	413
Barunga Gap Railway, 1877.....	1877	72
Blyth to Gladstone Railway Act, 1891	1891	522
The Brinkworth to Port Broughton Railway Act, 1910	1910	1015
Broadening of Gauge (Brinkworth to Gladstone) Act, 1925	1925	1667
Bumbunga to Lochiel Railway Act, 1923	1923	1595
Burra and Hallett Railway Act, 1876.....	1876	31
The Darke's Peak Railway Act, 1909	1909	982
The Darke's Peak Railway Act Amendment, 1911 ..	1911	1042
The District Railways Act, 1911	1911	1067
Dry Creek and Port Adelaide Railway Act, 1866....	1866-7	15
The Dry Creek and Port Adelaide Deviation Act, 1911	1911	1051
Farina Town and Hergott Springs Railway Act, 1881	1881	226
Forrester's to Burra Railway Act, 1867.....	1867	20
The Gawler to Angaston Railway Act, 1907.....	1907	942
The Gawler to Angaston Railway Act Amendment Act, 1909	1909	984
The Gawler to Angaston Railway Act Amendment Act, 1910	1910	1016
The Gawler Town Railway Further Extension Act to Section 1403	1859	20
The Gladstone and James Town Railway Act, 1876..	1876	28
Gladstone and Laura Railway Act, 1882	1882	253
The Glenelg Railways Purchase Act, 1899	1899	726
The Goodwood to Willunga Railway Act, 1909	1909	993
The Goodwood to Willunga Railway Act, 1910	1910	1017
The Grange and Henley Beach Railway Act, 1898 ..	1898	698
The Grange and Henley Beach Railway Alteration Act, 1911	1911	1041
The Goolwa Loop Line Railway Act, 1913	1913	1145
The Guaranteed Railways Act Amendment Act, 1913	1913	1113
Hallett to Terowie Railway Act, 1878	1878	97
Hamley Bridge and Balaklava Railway Act, 1877 ..	1877	62

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
The Harbor and Railway Act, 1901	1901	765
The Harbor and Railway Extension Act, 1910	1910	1011
Hergott Springs and Primrose Springs Railway Act, 1883	1883	281
The Hundred of Solomon and Decres Bay Railways Act, 1912	1912	1080
The Hundred of Solomon and Decres Bay Railway Act Amendment Act, 1913	1913	1142
Kadina and Wallaroo Railway Act, 1877	1877	76
Kadina and Wallaroo Railway Act, 1879	1879	149
Kadina to Barunga Gap Railway Act, 1876	1876	40
Kapunda and North-West Bend Railway Act, 1876	1876	27
Kielpa to Mangalo Hall Railway Act, 1916	1916	1265
Kimba to Buckleboo Railway Act, 1923	1923	1592
Kowulka Railway Act, 1922	1922	1536
The Laura to Booleroo Centre Railway Act, 1907	1907	941
The Laura to Booleroo Centre Railway Act Amendment Act, 1910	1910	1014
Moonta and Gawler Town Railways Acts Repealing Act, 1931	1931	2038
Mount Barker and Strathalbyn Railway Act, 1881	1881	221
Mount Gambier and Naracoorte Railway Act, 1884	1884	327
The Mount Hope Railway Act, 1912	1912	1094
The Mount Pleasant, Sedan, and Truro Railways Act, 1914	1914	1180
The Nairne to the Victorian Border Railway Act, 1882	1882	265
Nairne to Victorian Border Railway Deviation Act, 1924	1924	1622
Naracoorte to Tatiara Railway Act, 1879	1879	131
North-Western Railways System Development Act, 1917	1917	1307
Palmer to Monarto Railway Act, 1916	1916	1266
The Paringa to Renmark Railway Act, 1914	1914	1177
The Peebinga, Paringa, Loxton and Waikerie Railways Act, 1912	1912	1088
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1907	1907	928
The Pinnaroo Railway Act Further Amendment Act, 1908	1908	955
The Pinnaroo Railway Act Further Amendment Act, 1914	1914	1176
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377
The Port Adelaide and Semaphore Railway Act, 1874	1874	13
Port Adelaide and Semaphore Railway Act Amendment Act, 1875	1875	14
The Port Adelaide and Semaphore Railway Amendment Act, 1880	1880	174
Port Adelaide and Semaphore Railway Deviation Act, 1917	1917	1297

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
Port Adelaide and Semaphore Railway Deviation Act Amendment Act, 1922	1922	1526
The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908	1908	965
Port Augusta and Government Gums Railway Act, 1876	1876	26
The Port Augusta and Northern Railway Act, 1862	1862	28
The Port Broughton Railway Act	1873	7
The Port Lincoln Railway Act, 1905	1905	882
The Port Lincoln Railway Extension Act, 1907	1907	932
The Port Lincoln Railway Extension Act, 1909	1909	985
The Port Pirie Railway Act	1873	8
The Port Wakefield and Kadina Railway Act	1873	9
The Port Wakefield to Hoyles Plains Tramway Act, 1866	1866-7	25
The Port Wakefield and Hoyle's Plains Tramway Extension Act	1873	10
Railway Crossings (Bowden) Act, 1922	1922	1524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1328
Railways Transfer Act, 1927	1927	1840
Renmark to Barmera Railway Act, 1925	1925	1675
The Riverton to Spalding Railway Act, 1913	1913	1129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1070
The Robertstown Railway Act Amendment Act, 1912	1912	1081
Roseworthy to Forresters Railway Act, 1866-7	1866-7	24
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913	1913	1139
The South-Eastern Railway Act, 1871	1871	7
Strathalbyn and Middleton Tramway Act, 1866	1866	1
The Strathalbyn and Victor Harbor Railway Act, 1883	1883	294
The Tailem Bend and Brown's Well Railway Act, 1909	1909	980
Tatiara to Border Town Railway Act, 1881	1881	200
Terowie to Pichirichi Railway Act, 1878	1878	103
Victor Harbor and Strathalbyn Tramways Amendment Act, 1869-70	1869-70	14
The Wallaroo Railway Station Extension Act, 1886	1886	371
Wallaroo to Moonta Railway Act, 1890	1890	490
Wanbi to Moorook Railway Act, 1923	1923	1586
Wandana to Penong Railway Act, 1917	1917	1292
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
The Wilmington Railway Act, 1913	1913	1137
Road (Hundred of MacDonnell) Acquisition Act, 1923	1923	1578
Road (Thebarton State School) Acquisition Act, 1918	1918	1345

Title of Act.	Year.	Number.
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1315
Roads Loan Act, 1923	1923	1579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1219
South-Eastern Lands Contract Annulment Act, 1917	1917	1300
Statute Law Revision Act, 1934	1934	2168
Statute Law Revision Act, 1935	1935	2246
Statute Law Revision Act, 1936	1936	2293
Statute Law Revision Act (No. 2), 1936	1936	2316
Succession Duties (Peter Waite Benefactions) Act, 1920	1920	1422
Supply Act (No. 1), 1936	1936	2260
Supply Act (No. 2), 1936	1936	2275
Supply Act (No. 1), 1937	1937	2338
Supply Act (No. 2), 1937	1937	2339
Supply Act (No. 1), 1938	1938	2382
Supply Act (No. 2), 1938	1938	2385
The Teachers Superannuation Act, 1890	1890	485
The Teachers Superannuation Amendment Act, 1897	1897	684
The Teachers Superannuation Further Amendment Act, 1904	1904	868
Teachers Superannuation Act Further Amendment Act, 1922	1922	1508
Teachers Superannuation Act Amendment Act, 1928	1928	1857
The Transcontinental Railway Grant Act, 1911	1911	1069
The Transcontinental Railway Land Grant Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Voluntary Wheat Pool Agreement Ratification Act, 1924	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912	1912	1085
The West Terrace Cemetery Extension Act, 1904	1904	852
The Wolseley Educational Lands Resumption Act, 1883	1883-4	301
Young Men's Christian Association of Port Pirie Act, 1918	1918	1349

TABLE OF PRIVATE ACTS.

The following table contains a list of the private Acts of the Parliament of South Australia which were unrepealed as at 3rd April, 1939. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922..... *See also* The South Australian Electric Light and Motive Power Company's Act, 1897 *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931	1922	—
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—
The David Bower Estate Act, 1920	1920	—
The East-End Market Act, 1872	1872	—
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915.....	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—

Title of Act.	Year.	Number.
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
National Bank of Australasia Act, 1859	1859	—
National Bank of Australasia Amendment Act, 1860	1860	—
National Bank Act Amendment Act, 1863	1863	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Trust Incorporated Act, 1926	1926	—
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
See also (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supplementary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
See also (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amendment Act, 1926		
Railways Acts—		
See also Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, *and* (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927		
Glenelg Railway Act Further Amendment Act, 1889.	1889	—
Grange and Military Road Railway Act	1878	—
Largs Bay Railway Act	1882	—
The Wallaroo Railway Act	1861	—

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peters Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australian) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporated Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843	1843	—
South Australian Company Act, 1840	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
See also The Adelaide Electric Supply Company's Act, 1922, *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874	1874	—
The South Australian Gas Company's Further Amendment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
See also (in the Table of Public General Acts) the Gas Act, 1924		
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
The Spicer Cottages Trust Act Amendment Act, 1938	1938	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Act Repealed.	Title of Repealing Act.
The Adelaide Gunpowder Magazine Act ...	Statute Law Revision Act, 1937
The Amendments Incorporation Act, 1914 .	Amendments Incorporation Act, 1937
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Cornsacks Act, 1931	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1932	
Cornsacks Act Amendment Act, 1933	
Cornsacks Act Amendment Act, 1934	
Cornsacks Act Amendment Act, 1935	
Juries Act, 1844.....	
Loans for Fencing and Water Piping Act, 1930	Loans for Fencing and Water Piping Act, 1938
State Salaries (Commonwealth Taxation) Act, 1916	Statute Law Revision Act, 1937

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed.

The table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of the following volumes, namely, 1938 Appeal Cases and 14 South Australian Industrial Reports, and the cases reported up to page 680 of 60 Commonwealth Law Reports and up to page 414 of 1938 South Australian State Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections of the Acts printed in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Act Affected.	How Affected.
Abattoirs Act, 1911-1936 (Vol. 1, p. 1)	s. 3. Amended by No. 2421, s. 2, 1938, p. 190 s. 4. Amended by No. 2421, s. 3, 1938, p. 190 s. 13. Substituted by No. 2421, s. 4, 1938, p. 191 s. 26. Substituted by No. 2421, s. 5, 1938, p. 191 s. 27. Amended by No. 2421, s. 6, 1938, p. 192 s. 34. Amended by No. 2421, s. 7, 1938, p. 192 s. 40. Amended by No. 2421, s. 8, 1938, p. 192 s. 41. Amended by No. 2421, s. 9 (1), 1938, p. 192 s. 42. Amended by No. 2421, s. 9 (1) and (2), p. 192 s. 43. Amended by No. 2421, s. 9 (1) and (3), pp. 192, 193 s. 45. Amended by No. 2421, s. 10, 1938, p. 193 s. 46. Amended by No. 2421, s. 11, 1938, p. 193 s. 48. Amended by No. 2421, s. 12, 1938, p. 193 s. 50. Amended by No. 2421, s. 13, 1938, p. 194 s. 51. Amended by No. 2421, s. 14, 1938, p. 194 s. 53. Amended by No. 2421, s. 15, 1938, p. 194 s. 55. Amended by No. 2421, s. 16, 1938, p. 194 s. 62. Amended by No. 2421, s. 17, 1938, p. 194 s. 65. Amended by No. 2421, s. 18, 1938, p. 194 s. 73. Amended by No. 2421, s. 19, 1938, p. 194 s. 74. Substituted by No. 2421, s. 20, 1938, p. 195 s. 79. Amended by No. 2421, s. 21, 1938, p. 195
Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	s. 37. *Day v. Hunkin* (1937) S.A.S.R. 453

Act Affected.	How Affected.
Administration and Probate Act, 1919-1936 (Vol. 1, p. 79)	s. 61. Amended by No. 2368, s. 2 (1), 1937, p. 102 s. 21. *In re Knabenschuh* (1938) S.A.S.R. 136 s. 55. *In re Gardiner* (1938), S.A.S.R. 6 s. 70. *In re Babbage. Cave v. Babbage* (1936) S.A.S.R. 356 s. 112. Substituted by No. 2368, s. 3, 1937, p. 102 s. 113. Repealed by No. 2368, s. 3, 1937, p. 102 s. 122. Amended by No. 2368, s. 4, 1937, p. 103 Second schedule. Repealed by No. 2368, s. 5, 1937, p. 103
Agricultural College Act, 1936 (Vol. 1, p. 208)	s. 4. Amended by No. 2410, s. 3, 1938, p. 112 s. 4a. Enacted by No. 2410, s. 4, 1938, p. 112
Agricultural Graduates Land Settlement Act, 1922-1935 (Vol. 1, p. 212)	s. 9. Amended by No. 2403, s. 2, 1938, p. 82
Animals and Birds Protection Act, 1919-1934 (Vol. 1, p. 242)	This Act as amended by No. 2390, 1938, p. 19, and with notes of judicial decisions, is reprinted in this volume, p. 285
The Bills of Sale Act, 1886-1935 (Vol. 1, p. 329)	s. 11 (2). *Riedel v. Freeman Motors* (1938) S.A.S.R. 261, affirmed by *Riedel v. Freeman Motors Limited* (1938) S.A.S.R. 364
Bread Act, 1936 (Vol. 1, p. 418)	s. 6. *Shephard v. Cashmore* (1937) S.A.S.R. 525
Building Societies Act, 1881-1936 (Vol. 1, p. 513)	This Act, as amended by No. 2411, 1938, p. 114, and with notes of judicial decisions, is reprinted in this volume, p. 307
Bush Fires Act, 1933-1935 (Vol. 1, p. 536)	s. 4. *Verran v. Roberts* (1938) S.A.S.R. 256
Chaff and Hay Act, 1922 (Vol. 1, p. 560)	s. 9. Amended by No. 2384, s. 2, 1938, p. 4 s. 22. Amended by No. 2384, s. 3, 1938, p. 4
The Companies Act, 1934-1935 (Vol. 1, p. 597)	s. 53. *Smith v. Commonwealth Homes Limited* (1937) S.A.S.R. 337, affirmed by *Commonwealth Homes and Investment Company Limited v. Smith* (1937) 59 C.L.R. 443; 11 A.L.J. 348 s. 76. *In re Colton, Palmer & Preston, Limited* (1936) S.A.S.R. 434 s. 133. *South Norseman Gold Mines No Liability v. MacDonald* (1937) S.A.S.R. 53
Constitution Act, 1934-1936 (Vol. 2, p. 1)	s. 28. Amended by No. 2381, s. 3, 1937, p. 134 s. 55. Amended by No. 2381, s. 4, 1937, p. 134
Control of Advertisements Act, 1916-1935 (Vol. 2, p. 40)	s. 4. *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11 s. 10. *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)	s. 14. *Rex v. Coventry* (1938) S.A.S.R. 79. Special leave to appeal to the High Court refused; *The King v. Coventry* 59 C.L.R. 633; 12 A.L.J. 67 s. 82. *R. v. Lindner* (1938) S.A.S.R. 412 s. 195. *Brook v. Crafter* (1937) S.A.S.R. 366 s. 300. *R. v. Costello and others* (1937) S.A.S.R. 150 s. 319. *R. v. Martin* (1937) S.A.S.R. 70 *Rex v. Tregaskis* (1937) S.A.S.R. 358 s. 353. *R. v. Semaschko* (1936) S.A.S.R. 337 s. 354. *R. v. Lindner* (1938) S.A.S.R. 412 s. 367. *Rex v. Tregaskis* (1937) S.A.S.R. 358

Act Affected.	How Affected.
Crown Lands Act, 1929-1936 (Vol. 2, p. 219)	s. 5. Amended by No. 2363, s. 2, 1937, p. 88 s. 23a. Enacted by No. 2408, s. 3, 1938, p. 95 s. 23b. Enacted by No. 2408, s. 3, 1938, p. 97 s. 31. Amended by No. 2363, s. 3, 1937, p. 88 s. 174a. Enacted by No. 2363, s. 4, 1937, p. 89 s. 220. Amended by No. 2363, s. 5, 1937, p. 90 s. 226. *Hill v. O'Brien* 12 A.L.J. 270; reversing *O'Brien v. Hill* (1938) S.A.S.R. 61 *Jericho v. Guglielmin* (1938) S.A.S.R. 292 s. 262a. Amended by No. 2363, s. 6, 1937, p. 91
Dairy Industry Act, 1928-1935 (Vol. 2, p. 349)	s. 4. Amended by No. 2378, s. 3, 1937, p. 129
Dairy Produce Act, 1934-1935 (Vol. 2, p. 336)	s. 15a. Enacted by No. 2345, s. 3, 1937, p. 12 s. 26. Amended by No. 2345, s. 4, 1937, p. 13 and by No. 2393, s. 3, 1938, p. 39
Dried Fruits Act, 1934 (Vol. 2, p. 462)	s. 8. Amended by No. 2415, s. 3, 1938, p. 136 s. 18. Substituted by No. 2415, s. 4, 1938, p. 136 s. 23. Amended by No. 2415, s. 5, 1938, p. 137 s. 24. Amended by No. 2415, s. 6, 1938, p. 137 s. 24a. Enacted by No. 2415, s. 7, 1938, p. 138 s. 33. Amended by No. 2415, s. 8, 1938, p. 139 s. 34. Amended by No. 2415, s. 9, 1938, p. 139 s. 35. Amended by No. 2415, s. 10, 1938, p. 139 s. 39. Repealed No. No. 2415, s. 11, 1938, p. 139
Early Closing Act, 1926-1935 (Vol. 2, p. 477)	s. 72. *Gurry v. Badenoch* (1936) S.A.S.R. 441
Electoral Act, 1929-1934 (Vol. 2, p. 567)	s. 13. Amended by No. 2379, s. 2, 1937, p. 130 s. 71. Amended by No. 2379, s. 3, 1937, p. 130 s. 73. Amended by No. 2379, s. 4, 1937, p. 131 s. 96. Amended by No. 2379, s. 5, 1937, p. 131 s. 103. Amended by No. 2379, s. 6, 1937, p. 131
Farmers Assistance Act, 1933-1936 (Vol. 2, p. 707)	s. 12. Amended by No. 2418, s. 2, 1938, p. 170 s. 29. Amended by No. 2418, s. 3, 1938, p. 170
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	s. 14. Repealed by No. 2342, s. 3, 1937, p. 11 s. 15. Repealed by No. 2342, s. 3, 1937, p. 11
Fire Brigades Act, 1936 (Vol. 3, p. 78)	s. 5. Amended by No. 2389, s. 3 (1), 1938, p. 18 s. 32. Amended by No. 2389, s. 3 (2), 1938, p. 18 s. 53. Amended by No. 2389, s. 2, 1938, p. 17 s. 58. Amended by No. 2389, s. 3 (3), 1938, p. 18
Fisheries Act, 1917-1935 (Vol. 3, p. 115)	This Act as amended by No. 2391, 1938, p. 29 and No. 2419, 1938, p. 171, and with notes of judicial decisions, is reprinted in this volume, p. 338
Friendly Societies Act, 1919-1936 (Vol. 3, p. 178)	s. 10. Amended by No. 2374, s. 3, 1937, p. 121 s. 10a. Enacted by No. 2425, s. 3, 1938, p. 233 s. 18. Amended by No. 2374, s. 4, 1937, p. 122
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 11. Amended by No. 2388, s. 5, 1938, p. 16 s. 16. Amended by No. 2388, s. 5, 1938, p. 16 s. 31. Substituted by No. 2388, s. 3, 1938, p. 14 s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 and repealed by No. 2388, s. 3, 1938, p. 14 s. 32. Amended by No. 2388, ss. 4 and 5, 1938, p. 16 s. 33. Amended by No. 2388, ss. 5 and 6, 1938, p. 16 s. 34. Amended by No. 2388, s. 5, 1938, p. 16 s. 35. Amended by No. 2350, s. 5, 1937, p. 40 s. 36. Amended by No. 2350, s. 6, 1937, p. 41

Act Affected.	How Affected.
Immigration Act, 1923-1935 (Vol. 3, p. 554)	s. 10. Amended by No. 2344, s. 2, 1937, p. 14
Impounding Act, 1920-1935 (Vol. 3, p. 563)	s. 3. Amended by No. 2413, s. 2, 1938, p. 129 s. 14. Amended by No. 2413, s. 3, 1938, p. 129 s. 19. Amended by No. 2413, s. 4, 1938, p. 129 s. 28. Amended by No. 2413, s. 5, 1938, p. 130 s. 46. Amended by No. 2413, s. 6, 1938, p. 130 s. 46a. Enacted by No. 2413, s. 7, 1938, p. 130 Fifth schedule. Amended by No. 2413, s. 8, 1938, p. 131
Income Tax Assessment Act, 1936 (Vol. 3, p. 593)	s. 26. *In re Carden* (1938) S.A.S.R. 175, affirmed by *Commissioner of Taxes v. Executor Trustee and Agency Company of South Australia Limited* 12 A.L.J. 407
Industrial Code, 1920-1936 (Vol. 3, p. 733)	s. 17 (1) (*b*). *In re The Industry of Carpenters and Joiners* (1936) S.A.S.R. 417 : 14 S.A.I.R. 18 *In re The Industry of Plastering* (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 21. *Whyalla and Iron Knob Case* (1937) 14 S.A.I.R. 141 *Saddlery, Leatherware, Etc., Board Case* (1937) 14 S.A.I.R. 156 *Coopers Case* (1937) 14 S.A.I.R. 200 s. 21 (1) (*o*). *Cleaners Case* (1936) 14 S.A.I.R. 63 s. 40. *In re The Industry of Plastering* (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 41 (*g*). *In re The Industry of Plastering* (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 43. *Cleaners Case* (1936) 14 S.A.I.R. 63 s. 57. *Municipal Corporations and District Councils Board Case* (1936) S.A.I.R. 6 *Hydraulic Engineer's Departments Board Case* (1937) 14 S.A.I.R. 132 s. 167. *Painters and Decorators' Etc., Board Case* (1936) 14 S.A.I.R. 74 s. 167 (*a*). *Hydraulic Engineer's Department Board Case* (1937) 14 S.A.I.R. 132 *Retail Pharmaceutical Chemists' Board (Interpretation) Case* (1937) 14 S.A.I.R. 180 *Building Board Case* (1937) 14 S.A.I.R. 189 s. 167 (*b*). *Saddlery, Leatherware, Etc., Board Case* (1937) 14 S.A.I.R. 156 s. 167 (*e*). *Municipal Corporations and District Councils Board Case* (1936) 14 S.A.I.R. 6 s. 186 (3). *Painters and Decorators' Etc., Board Case* (1936) 14 S.A.I.R. 74 s. 218. Amended by No. 2346, s. 4, 1937, p. 22 s. 321. *Kerr v. Leaney* (1937) S.A.S.R. 495
Juries Act, 1927 (Vol. 4, p. 112)	s. 55a. Enacted by No. 2356, s. 3, 1937, p. 54 s. 56. Amended by No. 2356, s. 4, 1937, p. 54 Third schedule. Amended by No. 2356, s. 5, 1937, p. 55
Justices Act, 1921-1936 (Vol. 4, p. 138)	s. 56. *S.A. Asbestos Syndicate N.L. v. Coola Products Limited* (1937) S.A.S.R. 1 s. 75. *Bond v. Cocks* (1938) S.A.S.R. 14 *Bond v. Gilbert* (1938) S.A.S.R. 37 *Verran v. Roberts* (1938) S.A.S.R. 256 s. 125. *Mines v. Doddrell* (1938) S.A.S.R. 90, affirming *Mines v. Doddrell* (1937) S.A.S.R. 406 s. 182. *Johnson v. Miller* (1937) 59 C.L.R. 467 ; 11 A.L.J. 344, reversing *Miller v. Johnson* (1937) S.A.S.R. 323, which affirmed *Miller v. Johnson* (1937) S.A.S.R. 171
Land Agents Act, 1925-1936 (Vol. 4, p. 217)	s. 30. *Juttner v. Reidel* (1937) S.A.S.R. 466

Act Affected.	How Affected.
Landlord and Tenant Act, 1936 (Vol. 4, p. 241)	s. 10. *Briggs v. Pinchbeck* (1937) S.A.S.R. 30
Land Tax Act, 1936 (Vol. 4, p. 274)....	s. 62. *In re a petition by the Commissioner of Taxes* (1937) S.A.S.R. 356
Legal Practitioners Act, 1936 (Vol. 4, p. 354)	s. 24. *In re . . . a practitioner of the Supreme Court* (1937) S.A.S.R. 316 s. 60a. Enacted by No. 2404, s. 3, 1938, p. 83
Licensing Act, 1932-1936 (Vol. 4, p. 375)	s. 77 (7). *Hann v. Arthur* (1936) S.A.S.R. 344 *Edington v. Smith* (1938) S.A.S.R. 390 s. 209. *Johnson v. Miller* (1937) 59 C.L.R. 467; 11 A.L.J. 344, reversing *Miller v. Johnson* (1937) S.A.S.R. 323, which affirmed *Miller v. Johnson* (1937) S.A.S.R. 171 s. 270. *Ex parte Bickford* (1937) S.A.S.R. 128
Life Assurance Companies Act, 1936 (Vol. 4, p. 548)	s. 7. *Kemp v. Plew and another* (1887) 21 S.A.L.R. 115 *In re Noonan* (1904) S.A.L.R. 151
Limitation of Actions Act, 1936 (Vol. 4, p. 582)	s. 35. *Hillier v. Leitch* (1936) S.A.S.R. 490 *Smith v. Commonwealth Homes Limited* (1937) S.A.S.R. 337, affirmed by *Commonwealth Homes and Investment Co., Limited v. Smith* (1937) 59 C.L.R. 443; 11 A.L.J. 348 s. 36. *Hillier v. Leitch* (1936) S.A.S.R. 490
Local Courts Act, 1926-1936 (Vol. 4, p. 623)	s. 42. *Elder's Trustee and Executor Company, Limited v. Jones* (1937) S.A.S.R. 184 s. 63. *Riedel v. Freeman Motors Limited* (1938) S.A.S.R. 364 s. 271. *Copeland v. Buck* (1938) S.A.S.R. 214, reversing *Copeland v. Buck* (1937) S.A.S.R. 518
Local Government Act, 1934-1936 (Vol. 5, p. 1)	s. 3. Amended by No. 2424, s. 26 (2), 1938, p. 209 s. 5. Amended by No. 2424, ss. 2 and 109, 1938, pp. 201, 231 *The University of Adelaide v. The District Council of Mitcham* (1937) S.A.S.R. 288 s. 9. Amended by No. 2424, s. 3, 1938, p. 202 s. 51. Amended by No. 2424, s. 4, 1938, p. 202 s. 52. Amended by No. 2424, ss. 5 and 6, 1938, p. 202 s. 54. Amended by No. 2424, s. 7, 1938, p. 202 s. 65. Amended by No. 2424, s. 8, 1938, p. 202 s. 79. Amended by No. 2424, s. 9, 1938, p. 203 s. 86a. Enacted by No. 2424, s. 10, 1938, p. 203 s. 99. Amended by No. 2424, s. 11, 1938, p. 203. *Wache v. Parham* (1937) S.A.S.R. 116 s. 100. Amended by No. 2424, s. 12, 1938, p. 203 s. 105. Amended by No. 2424, ss. 13 and 14 (1), 1938, pp. 203, 204 s. 108. Amended by No. 2424, s. 15, 1938, p. 204 s. 115. Amended by No. 2424, s. 16, 1938, p. 204 s. 117. Amended by No. 2424, s. 17, 1938, p. 205. *Wache v. Parham* (1937) S.A.S.R. 116 s. 118. Amended by No. 2424, s. 18, 1938, p. 206 s. 126. Amended by No. 2424, s. 19, 1938, p. 206 s. 127. Amended by No. 2424, s. 20, 1938, p. 206 s. 128. Amended by No. 2424, s. 21, 1938, p. 206 s. 137. Amended by No. 2424, s. 22, 1938, p. 206 s. 142a. Enacted by No. 2424, s. 23, 1938, p. 206 s. 144. Amended by No. 2424, s. 24, 1938, p. 207 s. 147. Amended by No. 2424, s. 25, 1938, p. 207 ss. 163a to 163j. Enacted by No. 2424, s. 26 (1), 1938, pp. 207 to 209 ss. 164a and 164b. Enacted by No. 2424, s. 27, 1938, pp. 209, 210 s. 169. Amended by No. 2424, s. 28, 1938, p. 210 s. 172a. Enacted by No. 2424, s. 29, 1938, p. 210

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued*	s. 173. Amended by No. 2424, ss. 30 and 31, 1938 pp. 210, 211 s. 180. Amended by No. 2424, s. 109, 1938, p. 231 s. 181. Amended by No. 2424, s. 109, 1938, p. 231 s. 184. Amended by No. 2424, s. 109, 1938, p. 231 s. 188. Amended by No. 2424, ss. 32 and 109, 1938 pp. 211, 231 s. 196a. Enacted by No. 2424, s. 33, 1938, p. 211 s. 197. Amended by No. 2424, s. 34, 1938, p. 211 s. 203. Amended by No. 2424, s. 35, 1938. s. 211 s. 204. Amended by No. 2424, s. 36 (1), 1938, p. 211 s. 205. Amended by No. 2424, s. 36 (2), 1938, p. 212 s. 227. Amended by No. 2424, s. 37, 1938, p. 212 s. 228. Amended by No. 2424, s. 38 (2), 1938, p. 213 s. 233a. Enacted by No. 2424, s. 38 (1), 1938, p. 212 s. 235. Amended by No. 2424, s. 109, 1938, p. 231 s. 251. Amended by No. 2424, s. 39, 1938, p. 213 s. 255. Amended by No. 2424, s. 40, 1938, p. 213 s. 262. Amended by No. 2424, s. 109, 1938, p. 231 s. 284. Amended by No. 2424, s. 109, 1938, p. 231 s. 286. Amended by No. 2424, s. 41, 1938, p. 213 s. 287. Amended by No. 2424, ss. 42, 43 and 44, 1938, pp. 213, 214 s. 288. Amended by No. 2424, ss. 44 (2) and 109, 1938, pp. 214, 231 s. 291. Repealed by No. 2424, s. 45, 1938, p. 214 s. 296. Amended by No. 2424, s. 46, 1938, p. 214 s. 299. Amended by No. 2388, s. 7, 1938, p. 16 s. 306. Amended by No. 2424, s. 47, 1938, p. 214 s. 313a. Enacted by No. 2424, s. 48, 1938, p. 214 s. 314. *Bowden v. The Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 s. 319. Amended by No. 2424, s. 49, 1938, p. 214 s. 328. Amended by No. 2424, ss. 50 and 51, 1938, p. 214 *Bowden v. the Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 s. 330. Amended by No. 2424, s. 52, 1938, p. 215 s. 337a. Enacted by No. 2424, s. 53, 1938, p. 215 s. 338. Amended by No. 2424, s. 109, 1938, s. 231 s. 339. Amended by No. 2424, s. 109, 1938, p. 231 s. 342. Amended by No. 2424, ss. 54 and 55, 1938, p. 215 s. 343. Amended by No. 2424, s. 56, 1938, p. 215 s. 344a. Enacted by No. 2424, s. 57, 1938, p. 215 s. 348. Amended by No. 2424, s. 58, 1938, p. 217. *Bowden v. The Corporation of the Town of Murray Bridge* (1936) S.A.S.R. 451 s. 352. Amended by No. 2424, s. 59, 1938, p. 217 s. 358. Amended by No. 2424, s. 60, 1938, p. 217 s. 361. Amended by No. 2424, s. 61, 1938, p. 217 s. 364. Amended by No. 2424, s. 62, 1938, p. 217 s. 365. Amended by No. 2424, s. 63, 1938, p. 217 s. 366. Amended by No. 2424, s. 64, 1938, p. 218 s. 366a. Enacted by No. 2424, s. 65. 1938, p. 218 s. 370. Amended by No. 2424, s. 66, 1938, p. 218 s. 371. Amended by No. 2424, s. 67, 1938, p. 218 s. 382. Amended by No. 2424, s. 68, 1938, p. 218 s. 383. Amended by No. 2424, s. 69, 1938, p. 218 s. 384. *R. v. McIntosh and another* (1938) S.A.S.R. 375 s. 427a. Enacted by No. 2424, s. 70, 1938, p. 219 s. 439. Amended by No. 2424, s. 109, 1938, p. 231 s. 464. Amended by No. 2424, s. 71 (1), 1938, p. 219 s. 465. Amended by No. 2424, s. 71 (2), 1938, p. 219 s. 466. Amended by No. 2424, s. 71 (3), 1938, p. 219 s. 468. Amended by No. 2424, s. 71 (4), 1938, p. 219 s. 469a. Enacted by No. 2424, s. 71 (5), 1938, p. 220 s. 470. Amended by No. 2424, s. 71 (6), 1938, p. 220 s. 472. Amended by No. 2424, s. 71 (7), 1938, p. 220 s. 473. Amended by No. 2424, s. 71 (8), 1938, p. 221

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued*	s. 474. Amended by No. 2424, s. 71 (9), 1938, p. 221 s. 474a. Enacted by No. 2424, s. 71 (10), 1938, p. 221 s. 528. Amended by No. 2424, s. 72 (1), 1938, p. 221 s. 529. Amended by No. 2424, s. 72 (2), 1938, p. 222 s. 536a. Enacted by No. 2424, s. 73 (1), 1938, p. 222 s. 545. Repealed by No. 2424, s. 73 (2), 1938, p. 222 s. 548. Amended by No. 2424, s. 74, 1938, p. 222 s. 550a. Enacted by No. 2424, s. 75, 1938, p. 222 s. 555. Amended by No. 2424, s. 76, 1938, p. 224 s. 562. Amended by No. 2424, s. 109, 1938, p. 231 s. 591. Amended by No. 2424, s. 77, 1938, p. 224 s. 591a. Enacted by No. 2424, s. 78, 1938, p. 224 s. 623. *McCarty and another v. Leeming and another* (1937) S.A.S.R. 432 s. 667. Amended by No. 2424, ss. 79, 80, 81, and 82, 1938, p. 224 s. 670. Amended by No. 2424, s. 83, 1938, p. 225 s. 695. Amended by No. 2424, s. 84, 1938, p. 225 s. 696. Amended by No. 2424, s. 85, 1938, p. 225 s. 709. *Wache v. Parham* (1937) S.A.S.R. 116 s. 710. Amended by No. 2424, s. 86, 1938, p. 225 *Wache v. Parham* (1937) S.A.S.R. 116 s. 716. Amended by No. 2424, s. 109, 1938, p. 231 s. 730. *The University of Adelaide v. The District Council of Mitcham* (1937) S.A.S.R. 288 s. 731. Amended by No. 2424, s. 109, 1938, p. 231 s. 739. Amended by No. 2424, s. 87, 1938, p. 225 s. 742. Amended by No. 2424, s. 88, 1938, p. 225 s. 769a. Enacted by No. 2424, s. 89, 1938, p. 226 s. 780a. Enacted by No. 2424, s. 90, 1938, p. 226 s. 796. Amended by No. 2424, s. 91, 1938, p. 226 s. 797. Amended by No. 2424, s. 92, 1938, p. 226 s. 809. Amended by No. 2424, s. 93, 1938, p. 227 s. 810. Amended by No. 2424, s. 94, 1938, p. 227 s. 817. Amended by No. 2424, s. 95, 1938, p. 227 s. 824. Amended by No. 2424, s. 96, 1938, p. 229 s. 825. Amended by No. 2424, s. 97, 1938, p. 229 s. 827. Amended by No. 2424, s. 98, 1938, p. 229 s. 831. Amended by No. 2424, s. 99, 1938, p. 229 s. 833. Amended by No. 2424, s. 100, 1938, p. 229 s. 834. Amended by No. 2424, s. 101, 1938, p. 229 s. 840. Amended by No. 2424, s. 102, 1938, p. 230 s. 858. Amended by No. 2424, s. 103, 1938, p. 230 s. 874. Amended by No. 2424, s. 104, 1938, p. 230 s. 885. Amended by No. 2424, s. 109, 1938, p. 231 s. 886. Amended by No. 2424, s. 109, 1938, p. 231 s. 890. Repealed by No. 2424, s. 105, 1938, p. 230 s. 892. Repealed by No. 2424, s. 105, 1938, p. 230 ss. 900 to 906. Repealed by No. 2424, s. 105, 1938, p. 230 Fifth schedule. Amended by No. 2424, ss. 14 (2) and 106 (1), 1938, pp. 204, 230 Fourteenth schedule. Amended by No. 2424, s. 71 (11) and (12), 1938, p. 221 Eighteenth schedule. Amended by No. 2424, s. 106 (2), 1938, p. 230 Nineteenth schedule. Amended by No. 2424, s. 107, 1938, p. 230 Twenty-second schedule. Enacted by No. 2424, s. 108, 1938, p. 231
Lottery and Gaming Act, 1936 (Vol. 5, p. 401)	This Act as amended by No. 2394, 1938, p. 40 and No. 2417, 1938, p. 159, and with notes of judicial decisions, is reprinted in this volume, p. 367
Maintenance Act, 1926-1936 (Vol. 5, p. 461)	This Act as amended by No. 2360, 1937, p. 63, and No. 2380, 1937, p. 132, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 137. *See also* the following paragraph.

Act Affected.	How Affected.
Maintenance Act, 1926-1937 (1937, p. 137)	s. 60 (1). *Hayter v. Howie* (1937) S.A.S.R. 59. Special leave to appeal to the High Court refused, 59 C.L.R. 807 (note). s. 66. *Axon v. Axon* (1937) 59 C.L.R. 395; 11 A.L.J. 342, affirming *Axon v. Axon* (1937) S.A.S.R. 439. *Garden v. Garden* 2 A.L.J. 66 s. 68. *Garden v. Garden* 2 A.L.J. 66
The Markets Clauses Act, 1870-1935 (Vol. 5, p. 639)	s. 13. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 26a. Enacted by No. 2370, s. 2, 1937, p. 105 s. 31. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 36. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 38. *Tucker v. Bishop* (1936) S.A.S.R. 345 s. 40. Repealed by No. 2370, s. 3, 1937, p. 106
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)	s. 6 (*a*). *Craske v. Craske* (1936) S.A.S.R. 439 *Carter v. Carter* (1937) S.A.S.R. 16 s. 6 (*b*). *Dunkley v. Dunkley* (1938) S.A.S.R. 325 s. 6 (*c*). Amended by No. 2428, s. 3 (1), 1938, p. 278. *Lawlor v. Lawlor and Freeman* (1937) S.A.S.R. 44 *The Crown Solicitor for the State of South Australia v. Gilbert* (1937) 59 C.L.R. 322; 11 A.L.J. 347, reversing *Gilbert v. Gilbert* (1937) S.A.S.R. 79 *Hamilton v. Hamilton* (1937) S.A.S.R. 162 *Dedrick v. Dedrick* (1938) S.A.S.R. 302 *Sinclair v. Sinclair* (1938) S.A.S.R. 360 s. 6 (*j*). Amended by No. 2428, s. 3 (1), 1938, p. 278 s. 6 (*k*). Enacted by No. 2428, s. 3 (1), 1938, p. 278 s. 7 (*a*). *Barber v. Barber and Greenfield* (1938) S.A.S.R. 103, affirming *Barber v. Barber and Greenfield* (1937) S.A.S.R. 383 s. 7 (*c*). *Richardson v. Richardson* (1938) S.A.S.R. 137 s. 11 (*a*). *Haeveker v. Haeveker* (1937) 57 C.L.R. 639; 10 A.L.J. 469 s. 11 (*b*). *Amber v. Amber* (1937) S.A.S.R. 27 *Barlow v. Barlow and Klemich and Angus* (1937) S.A.S.R. 246 *White v. White* (1938) S.A.S.R. 133 *Todd v. Todd and Close* (1938) S.A.S.R. 304 s. 12. *The Crown Solicitor for the State of South Australia v. Gilbert* (1937) 59 C.L.R. 322; 11 A.L.J. 347, reversing *Gilbert v. Gilbert* (1937) S.A.S.R. 79 *Haeveker v. Haeveker* (1937) 57 C.L.R. 639; 10 A.L.J. 469 *Preece v. Preece* (1938) S.A.S.R. 195 *Stuckey v. Stuckey and Camphuyunder* (1938) S.A.S.R. 286 s. 14. *Barber v. Barber and Greenfield* (1938) S.A.S.R. 103 s. 15. *Harris v. Harris and Dayman* (1937) S.A.S.R. 512 s. 32. *Viles v. Viles* (1938) S.A.S.R. 148 s. 33. *Gray v. Gray* (1937) S.A.S.R. 181 s. 39a. Enacted by No. 2428, s. 3 (2), 1938, p. 279 s. 43. *Milde v. Milde* (1938) S.A.S.R. 168 Second schedule, rule 24. *Henderson v. Henderson and Benger* (1937) S.A.S.R. 68 Second schedule, rule 47. *Ford v. Ford and Moodie* (1936) S.A.S.R. 463
Medical Practitioners Act, 1919-1935 (Vol. 5, p. 729)	s. 35. *Becker v. Miller* (1936) S.A.S.R. 125. Leave to appeal to the High Court refused, 57 C.L.R. 780 (note)
Mental Defectives Act, 1935-1936 (Vol. 5, p. 746)	s. 112. *In re Whiting* (1938) S.A.S.R. 188

Act Affected.	How Affected.
Metropolitan and Export Abattoirs Act, 1936 (Vol. 6, p. 23)	s. 41. Amended by No. 2373, s. 3, 1937, p. 116 s. 52a. Enacted by No. 2373, s. 4, 1937, p. 116 s. 59a. Enacted by No. 2373, s. 5, 1937 p. 117 s. 65a. Enacted by No. 2373, s. 6, 1937, p. 118 s. 77. Substituted by No. 2373, s. 7, 1937, p. 118 s. 77a. Enacted by No. 2373, s. 7, 1937, p. 119 s. 86. Amended by No. 2373, s. 8, 1937, p. 120 s. 87. Amended by No. 2373, s. 9, 1937, p. 120
Mining Act, 1930-1931 (Vol. 6, p. 116)..	s. 21. *S.A. Asbestos Syndicate N.L. v. Coola Products Limited* (1937) S.A.S.R. 1
Mortgagors Relief Act, 1931-1936 (Vol. 6, p. 215)	s. 6. *Peeks Limited v. Adelaide Oil Exploration Company Limited* (1937) S.A.S.R. 154
The Municipal Tramways Trust Act, 1935 (Vol. 6, p. 227)	s. 68. *Henwood and another v. The Municipal Tramways Trust* (1938) 60 C.L.R. 438; 12 A.L.J. 101, reversing *Henwood and another v. The Municipal Tramways Trust* (1937) S.A.S.R. 390 s. 86a. Enacted by No. 2366, s. 2, 1937, p. 98 s. 86b. Enacted by No. 2366, s. 2, 1937, p. 99
Noxious Weeds Act, 1931-1935 (Vol. 6, p. 319)	s. 6. Amended by No. 2395, s. 2, 1938, p. 41 s. 8. Amended by No. 2395, s. 3, 1938, p. 41 s. 8a. Amended by No. 2395, s. 4, 1938, p. 41 s. 15a. Enacted by No. 2395, s. 5, 1938, p. 42 s. 24. Amended by No. 2395, s. 6, 1938, p. 42 s. 29a. Enacted by No. 2395, s. 7, 1938, p. 42 s. 41. Amended by No. 2395, s. 8, 1938, p. 43
Nurses Registration Act, 1920-1934 (Vol. 6, p. 340)	s. 21a. Enacted by No. 2405, s. 2, 1938, p. 85 s. 39a. Enacted by No. 2405, s. 3, 1938, p. 86 s. 44. Amended by No. 2405, s. 4, 1938, p. 86
Pharmacy Act, 1935-1936 (Vol. 6, p. 501)	s. 33a. Enacted by No. 2354, s. 2, 1937, p. 51
Phylloxera Act, 1936 (Vol. 6, p. 518) ..	s. 5. Amended by No. 2367, s. 2, 1937, p. 100 s. 12. Repealed by No. 2367, s. 3, 1937, p. 100 s. 16. Substituted by No. 2367, s. 4, 1937, p. 101 s. 29a. Enacted by No. 2367, s. 5, 1937, p. 101
Police Act, 1936 (Vol. 6, p. 557)	s. 43. Amended by No. 2399, s. 3, 1938, p. 64 ss. 44 to 55. Repealed by No. 2399, s. 3, 1938, p. 64 s. 93. *Harrison v. Trotter* (1937) S.A.S.R. 7 s. 98 (1) (c). *Wise v. Musolino* (1936) S.A.S.R. 447 s. 145. Amended by No. 2346, s. 4, 1937, p. 22 s. 149a. Enacted by No. 2399, s. 4, 1938, p. 65 s. 149b. Enacted by No. 2399, s. 4, 1938, p. 66 First schedule. Repealed by No. 2399, s. 3, 1938, p. 64
Primary Producers' Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57
Public Service Act, 1936 (Vol. 7, p. 1)..	s. 28. *Day v. Hunkin* 12 A.L.J. 269, affirming *Day v. Hunkin* (1938) S.A.S.R. 121, which reversed *Day v. Hunkin* (1937) S.A.S.R. 453 s. 30a. Enacted by No. 2423, s. 2, 1938, p. 199 s. 40. Amended by No. 2377, s. 3, 1937, p. 126 s. 42. Amended by No. 2377, s. 4, 1937, p. 126 s. 49. Amended by No. 2375, s. 3, 1937, p. 123 s. 52. Amended by No. 2377, s. 5, 1937, p. 127 s. 56. *Morley v. Hunkin* 12 A.L.J. 271 reversing *Morley v. Hunkin* (1938) S.A.S.R. 111, which reversed *Morley v. Hunkin* (1937) S.A.S.R. 427 s. 57a. Enacted by No. 2377, s. 6, 1927, p. 127 s. 70. Amended by No. 2377, s. 7, 1937, p. 127 s. 74. Amended by No. 2375, s. 4, 1937, p. 123 s. 75. Amended by No. 2377, s. 8, 1937, p. 128 and by No. 2423, s. 3, 1938, p. 200 s. 75a. Enacted by No. 2377, s. 9, 1937, p. 128

Act Affected.	How Affected.
The Real Property Act, 1886-1936 (Vol. 7, p. 59)	s. 71. *Bodey v. Smith and another* (1938) S.A.S.R. 352 s. 97. *The English, Scottish, and Australian Bank, Limited v. Phillips* (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458 s. 151. *The English, Scottish, and Australian Bank, Limited v. Phillips* (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458
Road and Railway Transport Act, 1930-1935 (Vol. 7, p. 320)	s. 14. *Miller v. Hilton* (1937) 57 C.L.R. 400; 11 A.L.J. 74
Road Traffic Act, 1934-1936 (Vol. 7, p. 359)	This Act as amended by No. 2416, 1938, p. 140, and with notes of judicial decisions, is reprinted in this volume, p. 432
The Sale of Goods Act, 1895-1936 (Vol. 7, p. 474)	s. 4. *Clements v. Hoppo* (1937) S.A.S.R. 231. Leave to appeal to the High Court refused, 59 C.L.R. 807 (note) s. 57a. Amended by No. 2357, s. 4, 1937, p. 56
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	s. 25. Substituted by No. 2371, s. 3, 1937, p. 107 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108
South Australian Railways Commissioner's Act, 1936 (Vol. 7, p. 661)	ss. 53a to 53x. Enacted by No. 2400, s. 3, 1938, pp. 67-73
South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)	s. 90. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 98. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 101. *In re Cameron and Ryder* (1937) S.A.S.R. 143
Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)	This Act as amended by No. 2359, 1937, p. 59, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 221. *See also* the following paragraph.
Stamp Duties Act, 1923-1937 (1937, p. 221)	s. 31a. Enacted by No. 2387, s. 3, 1938, p. 12 Second schedule. Amended by No. 2387, s. 4, 1938, p. 13
Statute Law Revision Act, 1937 (1937, p. 20)	s. 5. Repealed by No. 2368, s. 2 (2), 1937, p. 102
Subdivided Land Debts Act, 1932-1934 (Vol. 8, p. 83)	s. 15. *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	s. 13. *In re Gardiner* (1938) S.A.S.R. 6 s. 20. *In re Bowman* (1937) S.A.S.R. 274 Second schedule. *In re Gardiner* (1938) S.A.S.R. 6
Superannuation Act, 1926-1935 (Vol. 8, p. 129)	s. 26c. Enacted by No. 2422, s. 3, 1938, p. 196 s. 26d. Enacted by No. 2422, s. 3, 1938, p. 197
Testators Family Maintenance Act, 1918 (Vol. 8, p. 253)	s. 3. *In re Harris* (1936) S.A.S.R. 497 *In re Whiting* (1938) S.A.S.R. 188 s. 13. *In re Whiting* (1938) S.A.S.R. 188
Town Planning Act, 1929 (Vol. 8, p. 261)	s. 22. *Adelaide Development Company Proprietary Limited v. Pohlner* (1933) 49 C.L.R. 25, affirming *Pohlner v. The Adelaide Development Company Limited* (1932) S.A.S.R. 346 *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Trading Stamp Act, 1924-1935, (Vol. 8, p. 280)	s. 5a (2). *Rex v. Morgan. Ex parte Home Benefits (Proprietary) Limited* (1938) S.A.S.R. 266
Trustee Act, 1936 (Vol. 8, p. 303)	s. 91. Amended by No. 2346, s. 4, 1937, p. 22

Act Affected.	How Affected.
University of Adelaide Act, 1935-1936 (Vol. 8, p. 352)	s. 25. Amended by No. 2340, s. 2, 1937, p. 3 s. 26. Amended by No. 2340, s. 3, 1937, p. 3 s. 27. Repealed by No. 2340, s. 4, 1937, p. 4 Third schedule. Repealed by No. 2340, s. 5, 1937, p. 4
Vermin Act, 1931-1936 (Vol. 8, p. 396)	s. 53. Amended by No. 2409, s. 3 (2), 1938, p. 98 s. 158. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 159 to 201. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 215. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 222 to 224b. Repealed by No. 2409, s. 3 (2), 1938, p. 98 ss. 245 and 246. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 256. Repealed by No. 2409, s. 3 (2), 1938, p. 98
Veterinary Surgeons Act, 1935-1936 (Vol. 8, p. 511)	s. 3. Amended by No. 2414, s. 5 (1), 1938, p. 134 s. 5. Amended by No. 2414, s. 2, 1938, p. 132 s. 6. Repealed by No. 2414, s. 3, 1938, p. 133 s. 9. Repealed by No. 2414, s. 3, 1938, p. 133 ss. 28a to 28f. Enacted by No. 2414, s. 4, 1938, pp. 133, 134 s. 30a. Enacted by No. 2414, s. 5 (2), 1938, p. 134 s. 31a. Enacted by No. 2414, s. 6, 1938, p. 135 s. 34. Amended by No. 2414, s. 5 (3), 1938, p. 135
Weights and Measures Act, 1934 (Vol. 8, p. 626)	s. 30. Amended by No. 2383, s. 2, 1938, p. 3
Wild Dogs Act, 1931 (Vol. 8, p. 657)	s. 3. Amended by No. 2392, s. 3, 1938, p. 37 s. 10. Amended by No. 2392, s. 4, 1938, p. 37 s. 11. Amended by No. 2392, s. 5, 1938, p. 38 s. 12. Amended by No. 2392, s. 6, 1938, p. 38 s. 13. Amended by No. 2392, s. 7, 1938, p. 38 s. 14. Amended by No. 2392, s. 8, 1938, p. 38
Wills Act, 1936 (Vol. 8, p. 665)	s. 25. *In re Marrie* (1938) S.A.S.R. 289; 12 A.L.J. 238
Workmen's Compensation Act, 1932-1935 (Vol. 8, p. 693)	s. 4. *Chaplin v. Dunstan Limited* (1938) S.A.S.R. 245. (Decision given in an action for negligence) s. 28. *Anstey v. Adelaide Electric Supply Company Limited* (1938) S.A.S.R. 338 ss. 94a to 94j. Enacted by No. 2427, s. 3, 1938, pp. 274 to 277.

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 3rd April, 1939. The reference given is to the *Government Gazette* in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown following the heading " Commencement " or " Administration ", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 3rd April, 1939.

Abattoirs Act, 1911-1938.

Administration: Committed to the Minister of Agriculture *Gazette* 12th January, 1939, p. 74.
s. 12. Proclamation: *Gazette* 2nd March, 1922, p. 728.

Aborigines Act, 1934.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 285.
Administration: Committed to the Commissioner of Public Works *Gazette* 11th February, 1937, p. 285.
General regulations: *Gazette* 10th May, 1917, p. 742; 21st August, 1919, p. 383; 12th October, 1922, p. 834; 22nd April, 1926, p. 1088.
Regulations as to the Advisory Council of Aborigines: *Gazette* 24th January, 1918, p. 141; 7th May, 1925, p. 839; 9th March, 1933, p. 372.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws: *Gazette* 21st August, 1930, p. 351.

Administration and Probate Act, 1919-1937.

Rules of the Supreme Court in its testamentary causes jurisdiction : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265.

Regulation under the Fees Regulation Act, 1927, relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033.

Administration of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512.

(For details of proclamations, see the footnote in Volume 1, p. 136 of South Australian Statutes, 1837-1936.)

Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*.

Adoption of Children Act, 1925-1934.

Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662.

Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Adulteration of Wine and Brandy Act, 1907-1935.

Commencement : 13th April, 1909 ; *Gazette* 8th April, 1909, p. 648.
Administration : Committed to the Chief Secretary *Gazette* 9th April, 1936, p. 813.
Regulations : *Gazette* 22nd October, 1908, p. 808.

Advances for Homes Act, 1928-1935.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.
Regulations : *Gazette* 28th March, 1929, p. 636.

Advances to Settlers Act, 1930.

Regulations : 20th December, 1934, p. 1283.

Agricultural Graduates Land Settlement Act, 1922-1938.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.
Regulations : *Gazette* 8th March, 1923, p. 537 ; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938.

Commencement : At 3rd April, 1939, this Act had not been brought into operation.

Air Navigation Act, 1937.

Commencement : 12th January, 1938 ; *Gazette* 13th January, 1938, p. 53.

Alsatian Dogs Act, 1934.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.
Regulations : *Gazette* 9th January, 1936, p. 27.

Animals and Birds Protection Act, 1919-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 8. Proclamations :
Under s. 8 (1) (*b*) : *Gazette* 23rd June, 1921, p. 1315 ; 7th January, 1926, p. 1 ; 4th March, 1926, p. 685 ; 3rd December, 1936, p. 1195.
Under s. 8 (1) (*c*)—
(i.) *Gazette* 29th November, 1928, p. 1137 ; 3rd February, 1938, p. 233.
(ii.) *Gazette* 23rd August, 1923, p. 413 ; 25th November, 1926, p. 1337 ; 15th March, 1928, p. 561.
(iii.) *Gazette* 29th June, 1933, p. 1093.
(iv.) *Gazette* 13th July, 1933, p. 47 ; 24th January, 1935, p. 327.
(v.) *Gazette* 23rd July, 1925, p. 167 ; 4th March, 1926, p. 685 ; 25th March, 1926, p. 865 ; 20th January, 1927, p. 121 ; 15th November, 1928, p. 1053 ; 20th December, 1928, p. 1277 ; 17th January, 1929, p. 105 ; 7th March, 1929, p. 513 ; 31st October, 1929, p. 1005 ; 28th January, 1932, p. 139 ; 3rd March, 1932, p. 435 ; 26th October, 1933, p. 900 ; 16th November, 1933, p. 1005 ; 14th December, 1933, p. 1167 ; 21st December, 1933, p. 1240 ; 25th January, 1934, p. 130 ; 22nd March, 1934, p. 843 ; 13th December, 1934, p. 1186 ; 20th December, 1934, p. 1219 ; 11th April, 1935, p. 1087 ; 28th November, 1935, p. 1285 ; 19th December, 1935, p. 1447 ; 19th December, 1935, p. 1446 ; 14th January, 1937, p. 34 ; 2nd September, 1937, p. 561 ; 3rd February, 1938, p. 233.

Animals and Birds Protection Act, 1919-1938—*continued.*

Under s. 8 (1) (*d*): *Gazette* 12th December, 1907, p. 1297; 6th May, 1909, p. 847; 20th May, 1909, p. 954; 9th December, 1909, p. 1127; 27th March, 1913, p. 585; 8th June, 1916, p. 1217; 3rd August, 1916, p. 181; 1st February, 1917, p. 239; 10th June, 1920, p. 1399; 1st March, 1923, p. 486; 24th May, 1923, p. 1140; 5th April, 1923, p. 773; 24th December, 1925, p. 1661 (partly revoked 17th February, 1927, p. 337); 17th June, 1926, p. 1509; 6th September, 1928, p. 529; 31st October, 1929, p. 1005; 25th December, 1930, p. 1293; 17th December, 1931, p. 1115; 29th March, 1934, p. 931; 21st February, 1935, p. 548; 16th September, 1937, p. 697; 28th April, 1938, p. 898; 28th July, 1938, p. 165; 13th October, 1938, p. 975.

Under s. 8 (1) (*e*): *Gazette* 10th February, 1938, p. 293.

Under s. 8 (1) (*f*): *Gazette* 7th June, 1923, p. 1246; 12th November, 1936, p. 1065; 10th June, 1937, p. 1281.

Under s. 8 (1) (*h*): *Gazette* 12th December, 1935, p. 1390.

(For details of proclamations made prior to 9th June, 1937, see the footnotes in Volume 1, pp. 244-246 of the South Australian Statutes, 1837-1936.)

Regulations: *Gazette* 11th December, 1919, p. 1462 (gun, game licence forms); 17th May, 1923, p. 1082 (shipping opossum skins, Kangaroo Island); 24th May, 1928, p. 1087 (gun, game licence fees); 20th December, 1928, p. 1278 (prohibiting sale of ducks, teal, and maned goose); 19th June, 1930, p. 1137; 19th August, 1937, p. 440 (skin dealer's fee); 13th October, 1932, p. 743 (fee for permit to take animals and birds); 26th March, 1936, p. 714 (dealers in birds and fees).

Apiaries Act, 1931-1935.

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.

Administration: Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.

s. 10. Proclamation: *Gazette* 11th February, 1932, p. 255.

s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091; 4th February, 1937, p. 229; 9th February, 1939, pp. 373 and 374.

s. 13. Proclamations: *Gazette* 11th February, 1932, p. 255; 17th September, 1936, p. 546.

(For details of proclamations under sections 10, 11, and 13, made prior to 8th February, 1939, see the footnotes in Volume 1, pp. 266-268 of the South Australian Statutes, 1837-1936.)

Regulations: *Gazette* 21st January, 1932, p. 68; 6th April, 1933, p. 551; 20th February, 1936, p. 457.

Arbitration Act, 1891-1934.

Rules of the Supreme Court: Order XXXIV. of Rules of Court, 1913, dated 10th December, 1913, (not published in the *Gazette*).

Rules of the Local Court: *Gazette* 8th July, 1909, p. 42.

Associations Incorporation Act, 1929-1935.

Commencement: 16th December, 1929; *Gazette* 12th December, 1929, p. 1267.

Regulations: *Gazette* 12th December, 1929, p. 1268; 9th July, 1931, p. 34.

Auctioneers Act, 1934.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1936.

Commencement: 29th March, 1923; *Gazette* 29th March, 1923, p. 690.

Regulations: *Gazette* 30th October, 1924, p. 1141; 9th April, 1925, p. 626; 28th July, 1927, p. 216 (disallowed *Gazette* 12th January, 1928, p. 47); 19th January, 1928, p. 90; 30th August, 1928, p. 466; 21st April, 1932, p. 696; 15th September, 1932, p. 517; 14th June, 1934, p. 1436; 8th November, 1934, p. 926; 3rd December, 1936, p. 1195.

Births and Deaths Registration Act, 1936.

Commencement: 1st May, 1937; *Gazette* 28th January, 1937, p. 188.

Administration: Committed to the Chief Secretary; *Gazette* 18th February, 1937, p. 334.

Botanic Garden Act, 1935.

By-laws: *Gazette* 24th November, 1921, p. 1249; 26th November, 1925, p. 1408; 13th June, 1929, p. 1401.

Brands Act, 1933-1936.

Administration: Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1.

s. 22 (4) Proclamation: *Gazette* 24th December, 1936, p. 1322.

s. 53. Notice: *Gazette* 21st June, 1934, p. 1471.

Bread Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.
s. 11. Proclamation : *Gazette* 1st July, 1937, p. 1.

Building Act, 1923-1935.

Administration : Committed to the Minister of Local Government *Gazette* 7th February, 1924, p. 324.
s. 3 (1) (*b*). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.
s. 3 (1) (*c*). Proclamations :
(i.) Municipalities : *Gazette* 6th March, 1924, p. 595 ; 17th April, 1924, p. 925 ; 30th June, 1927, p. 1406 ; 18th March, 1926, p. 793 ; 21st May, 1925, p. 945 ; 16th December, 1937, p. 1710 ; 17th March, 1938, p. 607 ; 27th October, 1938, p. 1100.
(ii.) District Council Districts : *Gazette* 29th May, 1924, p. 1207 ; 4th September, 1924, p. 1451 ; 24th July, 1924, p. 162 ; 16th October, 1924, p. 1018 ; 12th March, 1925, p. 433 ; 31st March, 1927, p. 741 ; 8th October, 1925, p. 846 ; 26th June, 1930, p. 1192 ; 22nd September, 1927, p. 712 ; 22nd March, 1928, p. 605 ; 17th May, 1928, p. 1033 ; 18th July, 1929, p. 113 ; 31st October, 1929, p. 1008 ; 14th November, 1929, p. 1085 ; 24th March, 1932, p. 547 ; 3rd November, 1932, p. 886 ; 30th August, 1934, p. 427 ; 13th August, 1936, p. 249 ; 8th March, 1934, p. 462 ; 5th December, 1935, p. 1333 ; 17th September, 1925, p. 680 ; 4th June, 1936, p. 1133 ; 14th January, 1926, p. 46 ; 29th April, 1937, p. 945 ; 16th September, 1937, p. 698 ; 10th February, 1938, p. 295 ; 8th December, 1938, p. 1451 ; 15th December, 1938, p. 1498 ; 9th March, 1939, p. 570.
(For details of proclamations made prior to 28th April, 1937, see the footnote in Volume 1, pp. 425-426 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 26th June, 1924, p. 1411 ; 27th February, 1930, p. 443.

Building Societies Act, 1881-1938.

Commencement : 16th December, 1881 ; *Gazette* 15th December, 1881, p. 1747.
Regulations as to fees : *Gazette* 30th March, 1882, p. 1034.
Regulations as to qualifications of auditors : *Gazette* 29th March, 1934, p. 932.

Bush Fires Act, 1933-1935.

Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1321.
s. 23. Proclamation : *Gazette* 27th February, 1936, p. 486.

Business Agents Act, 1938.

Commencement : 1st April, 1939 ; *Gazette* 19th January, 1939, p. 122.
Regulations : *Gazette* 9th March, 1939, p. 600.

Chaff and Hay Act, 1922-1938.

Regulations : *Gazette* 17th November, 1938, p. 1269.

Children's Protection Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.

Citrus Marketing Act, 1931.

Commencement : At 3rd April, 1939, this Act had not been brought into operation.
Administration : Committed to the Minister of Agriculture *Gazette* 5th December, 1931, p. 1065.
Regulations for holding poll under section 39 : *Gazette* 5th December, 1931, p. 1065.

Collections for Unemployment Act, 1930-1935.

s. 2. Proclamations : *Gazette* 27th November, 1930, p. 1081 ; 22nd January, 1931, p. 97 ; 23rd April, 1931, p. 681 ; 4th June, 1931, p. 921 ; 17th September, 1931, p. 489 ; 15th March, 1934, p. 787.
(For details of proclamations, see the footnote in Volume 1, p. 590 of the South Australian Statutes, 1837-1936.)

Companies Act, 1934-1935.

Commencement : 1st March, 1935 ; *Gazette* 13th December, 1934, p. 1185.
Regulations : *Gazette* 28th February, 1935, p. 607 ; 14th March, 1935, p. 777 ; 13th February, 1936, p. 399 ; 18th February, 1937, p. 372 ; 19th August, 1937, p. 439 ; 2nd December, 1937, p. 1518.

Companies Act, 1934-1935—*continued.*

Rules of Court: The following rules made under the Companies Act, 1892, appear to be still in force: *Gazette* 4th May, 1893, p. 1007; 4th January, 1894, p. 3; 18th December, 1924, p. 1598.

Compulsory Acquisition of Land Act, 1925.

Commencement: 27th February, 1928; *Gazette* 23rd February, 1928, p. 397.
Rules of Court: *Gazette* 10th May, 1928, p. 968.

Constitution Act, 1934-1937.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Control of Advertisements Act, 1916-1935.

Administration: Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
Regulations: *Gazette* 5th April, 1928, p. 726; 20th February, 1936, p. 458.

Control of Waters Act, 1919-1925.

Regulations: *Gazette* 25th October, 1934, p. 847.

Convicted Inebriates Act, 1913-1934.

Administration: Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
s. 3. Proclamation: *Gazette* 26th February, 1914, p. 515.
Regulations: *Gazette* 16th July, 1914, p. 117; 2nd March, 1916, p. 413; 16th June, 1921, p. 1270; 17th July, 1924, p. 112; 3rd September, 1925, p. 572; 11th August, 1927, p. 348; 17th October, 1929, p. 891; 31st October, 1929, p. 1010.

Coroners Act, 1935.

Regulations: *Gazette* 17th June, 1937, p. 1308.

Cremation Act, 1891-1936.

Regulations: *Gazette* 27th June, 1901, p. 1324; 3rd March, 1904, p. 462; 19th April, 1923, p. 866; 2nd October, 1930, p. 665.
Regulation under the Fees Regulation Act, 1927, relating to fees for cremation: *Gazette* 24th November, 1927, p. 1229.

Criminal Law Consolidation Act, 1935.

Commencement: 2nd January, 1936; *Gazette* 2nd January, 1936, p. 1.
s. 321. Proclamations: *Gazette* 6th April, 1911, p. 603; 26th August, 1937, p. 497.
Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.
Rules of Court as to costs and treatment of appellant: *Gazette* 5th November, 1925, p. 1231.
Rules of Court as to payment for transcripts and documents: *Gazette* 19th November, 1925, p. 1358.
Regulations as to habitual criminals: *Gazette* 6th April, 1911, p. 606; 23rd November, 1916, p. 997.
Regulations as to payments to witnesses and others at criminal prosecutions: *Gazette* 27th October, 1938, p. 1102.
Regulation as to places of confinement under section 77 (2): *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1938.

Regulations: *Gazette* 26th February, 1891, p. 613; 22nd December, 1898, p. 1375; 13th February, 1902, p. 469; 12th May, 1904, p. 1090; 20th May, 1909, p. 954; 10th February, 1910, p. 207; 3rd April, 1919, p. 644; 30th March, 1922, p. 944; 18th March, 1923, p. 486; 25th November, 1926, p. 1339; 9th June, 1927, p. 1266; 16th February, 1928, p. 330; 3rd May, 1934, p. 1176; 29th October, 1936, p. 997.

Dairy Cattle Improvement Act, 1921-1934.

Administration: Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.
Regulations: *Gazette* 8th July, 1937, p. 30; 9th September, 1937, p. 661.

Dairy Industry Act, 1928-1937.

Commencement: 8th August, 1929; *Gazette* 8th August, 1929, p. 329.
s. 2. Proclamations: *Gazette* 8th August, 1929, p. 329; 19th July, 1934, p. 74; 21st January, 1937, p. 85; 11th November, 1937, p. 1297.
(For details of proclamations made prior to 10th November, 1937, see the footnote in Volume 2, pp. 349-350 of the South Australian Statutes, 1837-1936.)

Dairy Industry Act, 1928-1937—*continued.*

General regulations : *Gazette* 21st August, 1930, p. 365 (regulations 42-58 of these regulations were disallowed by resolution of the Legislative Council *Gazette* 6th November, 1930, p. 946) ; 17th December, 1931, p. 1116 ; 5th May, 1932, p. 772 ; 27th April, 1933, p. 661 ; 2nd November, 1933, p. 934 ; 12th January, 1939, p. 116.
Regulations as to payment for milk and cream : *Gazette* 2nd November, 1933, p. 934.

Dairy Produce Act, 1934-1938.

Commencement : 13th December, 1934 ; *Gazette* 13th December, 1934, p. 1185.
Administration : Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.
Regulations : *Gazette* 11th April, 1935, p. 1119 ; 9th January, 1936, p. 26 ; 18th November, 1937, p. 1348.

Dangerous Drugs Act, 1934.

Commencement : 1st October, 1937 ; *Gazette* 15th April, 1937, p. 789.
Administration : Committed to the Chief Secretary *Gazette* 15th April, 1937, p. 789.
s. 4. Proclamations : *Gazette* 15th April, 1937, p. 790 ; 23rd September, 1937, p. 749 ; 23rd September, 1937, p. 750.
Regulations : *Gazette* 23rd September, 1937, p. 797 ; 9th December, 1937, p. 1588.

Debt Adjustment Act, 1929-1932.

Regulations : *Gazette* 16th January, 1930, p. 83.

Dentists Act, 1931-1936.

Rules of Court : *Gazette* 4th August, 1932, p. 183.
Regulations : *Gazette* 8th December, 1904, p. 1047 ; 26th October, 1905, p. 886 ; 26th March, 1908, p. 564 ; 30th April, 1914, p. 1005 ; 31st January, 1918, p. 181 ; 24th May, 1934, p. 1315 ; 28th June, 1934, p. 1520 ; 5th July, 1934, p. 2.
Regulation under the Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists : *Gazette* 11th November, 1937, p. 1307.

Discharged Soldiers Settlement Act, 1934-1935.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 644.
Regulations : *Gazette* 2nd December, 1920, p. 1429 ; 11th August, 1921, p. 270 ; 19th January, 1922, p. 100 ; 2nd March, 1922, p. 729 ; 6th April, 1922, p. 988 ; 30th August, 1923, p. 493 ; 31st January, 1924, p. 211 ; 7th August, 1924, p. 283 ; 18th February, 1926, p. 326 ; 17th February, 1927, p. 339 ; 28th April, 1927, p. 935 ; 12th May, 1927, p. 1044 ; 21st January, 1932, p. 69 ; 7th June, 1934, p. 1395 ; 18th April, 1935, p. 1136 ; 24th December, 1936, p. 1337.

Draught Stallions Act, 1932-1934.

Commencement : 1st July, 1933 ; *Gazette* 8th June, 1933, p. 973.
Administration : Committed to the Minister of Agriculture *Gazette* 8th June, 1933, p. 973.
s. 3 (3). Proclamations : *Gazette* 8th June, 1933, p. 973 ; 22nd December, 1938, p. 1542.
Regulations : *Gazette* 22nd June, 1933, p. 1054 ; 18th June, 1936, p. 1210.

Dried Fruits Act, 1934-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934 p. 1218.
Regulations : *Gazette* 14th February, 1935, p. 495 ; 30th January, 1936, p. 272 ; 15th December, 1938, p. 1501.

Early Closing Act, 1926-1935.

Administration : Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.
s. 14. Proclamations : *Gazette* 15th August, 1912, p. 376 ; 15th January, 1914, p. 127 ; 19th February, 1914, p. 449 ; 9th April, 1914, p. 858 ; 30th July, 1914, p. 262 ; 20th August, 1914, p. 488 ; 27th August, 1914, p. 533 ; 27th August, 1914, p. 534 ; 10th September, 1914, p. 624 ; 3rd December, 1914, p. 1187 ; 17th December, 1914, 1267 ; 21st January, 1915, p. 127 ; 6th May, 1915, p. 1089 ; 10th June, 1915, p. 1333 ; 19th August, 1915, p. 691 ; 20th January, 1916, p. 93 ; 27th July, 1916, p. 125 ; 1st May, 1919, p. 798 ; 11th December, 1919, p. 1461 ; 15th April, 1920, p. 1061 ; 10th June, 1920, p. 1399 ; 4th November, 1920, p. 1168 ; 11th November, 1920, p. 1199 ; 25th August, 1921, p. 382 ; 1st September, 1921, p. 442 ; 22nd September, 1921, p. 633 ; 10th November, 1921, p. 1105 ; 15th December, 1921, p. 1388 ; 22nd December, 1921, p. 1458 ; 2nd February, 1922, p. 472 ; 16th February, 1922, p. 568 ; 23rd February, 1922, p. 640 ; 9th March, 1922, p. 787 ; 15th June, 1922, p. 1487 ; 6th July, 1922, p. 1 ; 27th July, 1922, p. 165 ; 28th June, 1923, p. 1375 ; 19th July, 1923, p. 107 ; 23rd August, 1923, p. 414 ; 11th October, 1923, p. 834 ; 21st February, 1924, p. 457 ; 11th September, 1924, p. 654 ; 8th January, 1925, p. 26 ; 5th February, 1925, p. 195 ; 29th October, 1925, p. 1161 ; 12th August, 1926, p. 372 ; 2nd December, 1926, p. 1401 ; 2nd December, 1926, p. 1402 ; 20th January, 1927, p. 121 ; 27th October, 1927, p. 1007 ; 12th April, 1928, p. 773 ; 3rd December, 1938, p. 1171.

Early Closing Act, 1926-1935—*continued.*

s. 15. Proclamation : *Gazette* 13th August, 1914, p. 425.
s. 23. Notices : *Gazette* 17th June, 1926, p. 1514 ; 24th December, 1925, p. 1665 ; 18th October, 1928, p. 903 ; 21st May, 1936, p. 1054 ; 15th September, 1938, p. 698.
s. 25*e*. Notice : *Gazette* 10th August, 1935, p. 242.
s. 59. Notices : *Gazette* 1st October, 1914, p. 769 ; 2nd January, 1936, p. 3 ; 6th October, 1927, p. 855 ; 29th May, 1913, p. 1148 ; 14th August, 1913, p. 428 ; 20th March, 1924, p. 715.
s. 69. Notice : *Gazette* 1st October, 1914, p. 769.
s. 69. Notice : *Gazette* 1st October, 1914, p. 769 ; 17th February, 1938, p. 368.
(For details of proclamations and notices made prior to 16th February, 1938, under sections 14, 15, 23, 25*e*, 59, and 69, see the tables in Volume 2, pp. 521-523 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 2nd June, 1927, p. 1217 ; 1st December, 1932, p. 1038 ; 23rd December, 1937, p. 1810.

Easter Act, 1929.

Commencement : At 3rd April, 1939, this Act had not been brought into operation.

Education Act, 1915-1935.

Commencement : 13th January, 1916 ; *Gazette* 13th January, 1916, p. 43.
Regulations : *Gazette* 21st February, 1929, p. 405 ; 19th September, 1929, p. 700 ; 24th October, 1929, p. 955 ; 4th June, 1931, p. 923 ; 1st October, 1931, p. 614 ; 18th February, 1932, p. 308 ; 22nd December, 1932, p. 1189 ; 1st June, 1933, p. 934 ; 22nd June, 1933, p. 1056 ; 14th December, 1933, p. 1172 ; 3rd January, 1935, p. 35 ; 22nd August, 1935, p. 373 ; 12th March, 1936, p. 593 ; 30th July, 1936, p. 157 ; 11th November, 1937, p. 1300 ; 23rd December, 1937, p. 1807 ; 17th March, 1938, p. 611 ; 22nd December, 1938, p. 1592.

Electoral Act, 1929-1937.

Commencement : 19th December, 1929 ; *Gazette* 19th December, 1929, p. 1305.
Administration : Committed to the Attorney-General *Gazette* 20th May, 1937, p. 1150.
s. 13. Proclamation : *Gazette* 12th August, 1937, p. 373.
s. 14. Notices : *Gazette* 13th February, 1930, p. 323 ; 20th February, 1930, p. 374 ; 13th March, 1930, p. 531 ; 17th November, 1932, p. 959 ; 1st December, 1932, p. 1040 ; 23rd February, 1933, p. 285 ; 9th March, 1933, p. 373 ; 30th March, 1933, p. 522 ; 1st February, 1934, p. 196 ; 2nd August, 1934, p. 186 ; 16th August, 1934, p. 312 ; 23rd August, 1934, p. 375 ; 30th May, 1935, p. 1464 ; 6th June, 1935, p. 1502.
General regulations : *Gazette* 16th January, 1930, p. 71 ; 29th January, 1931, p. 142 ; 10th September, 1931, p. 430 ; 1st December, 1932, p. 1037 ; 27th January, 1938, p. 167.
Regulations as to joint Commonwealth and State electoral rolls : *Gazette* 10th February, 1921, p. 279 ; 16th May, 1929, p. 1003.

Employees Registry Offices Act, 1915-1934.

Administration : Committed to the Minister of Industry and Employment *Gazette* 24th June, 1937, p. 1361.

Explosives Act, 1936.

Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 644.
Administration : Commited to the Minister of Agriculture *Gazette* 25th March, 1937, p. 644.
s. 6. Definitions of explosives : *Gazette* 28th September, 1899, p. 793 ; 24th December, 1903, p. 1242 ; 13th December, 1906, p. 1141 ; 20th January, 1910, p. 68 ; 13th March, 1913, p. 493 ; 26th February, 1914, p. 518 ; 9th July, 1914, p. 67 ; 30th November, 1916, p. 1045 ; 1st March, 1917, p. 370 ; 10th July, 1919, p. 40 ; 29th July, 1920, p. 168 ; 8th December, 1921, p. 1317 ; 21st July, 1921, p. 98 ; 22nd July, 1926, p. 147 ; 7th June, 1928, p. 1211 ; 7th February, 1929, p. 260 ; 23rd April, 1931, p. 683 ; 11th August, 1932, p. 246 ; 25th March, 1937, p. 649-650 ; 2nd December, 1937, p. 1565 ; 3rd February, 1938, p. 235.
(For details of definitions made prior to 1st December, 1937, see the footnote in Volume 2, p. 679 of the South Australian Statutes, 1837-1936.)
s. 20. Proclamation : *Gazette* 17th December, 1903, p. 1182.
s. 24. Notice : *Gazette* 1st September, 1938, p. 589.
s. 48. Proclamation : *Gazette* 8th December, 1938, p. 1452.
Regulations : *Gazette* 1st September, 1938, p. 556.

Fair Prices Act, 1924-1935.

Administration : Committed to the Minister of Industry *Gazette* 29th January, 1925, p. 149.

Farmers Assistance Act, 1933-1938.

Commencement : 1st January, 1934 ; *Gazette* 21st December, 1933, p. 1239.
Regulations : *Gazette* 27th September, 1934, p. 646 ; 4th October, 1934, p. 682.

Fauna and Flora Reserve Act, 1919-1935.

Administration : Committed to Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 17. Proclamations : *Gazette* 20th September, 1923, p. 678 ; 24th February, 1927, p. 397.
s. 18. Proclamation : *Gazette* 5th July, 1923, p. 2.
By-laws : *Gazette* 11th January, 1923, p. 39.

Fees Regulation Act, 1927.

Regulations : *Gazette* 24th November, 1927, p. 1225 ; 24th November, 1927, p. 1226 ; 24th November, 1927, p. 1227 ; 24th November, 1927, p. 1228 ; 24th November, 1927, p. 1229 ; 17th May, 1928, p. 1036 ; 31st May, 1928, p. 1147 ; 12th July, 1928, p. 46 ; 19th December, 1929, p. 1311 ; 11th September, 1930, p. 531 ; 4th December, 1930, p. 1131 ; 22nd October, 1931, p. 776 ; 3rd December, 1931, p. 1033 ; 8th June, 1933, p. 974 ; 30th August, 1934, p. 428 ; 20th September, 1934, p. 596 ; 22nd August, 1935, p. 374 ; 11th November, 1937, p. 1307.
(For details of regulations made prior to 10th November, 1937, see the table of regulations in Volume 2, p. 770 of the South Australian Statutes, 1837-1936.)

Fertilisers Act, 1918.

Administration : Committed to the Minister of Agriculture *Gazette* 21st January, 1937, p. 85.
Regulations : *Gazette* 27th February, 1919, p. 436 ; 25th September, 1919, p. 724.

Fibre and Sponges Act, 1909-1937.

Regulations : *Gazette* 29th August, 1918, p. 501.

Financial Emergency Act, 1931-1937.

Commencement : 23rd July, 1931 ; *Gazette* 23rd July, 1931, p. 93.
Rules of Court : *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1934.

s. 4. Notice : *Gazette* 29th November, 1934, p. 1113.

Firearms Registration Act, 1919-1934.

Commencement : 14th July, 1921 ; *Gazette* 14th July, 1921, p. 37.
s. 3. Proclamation : *Gazette* 29th September, 1928, p. 755.
Regulations : *Gazette* 24th February, 1921, p. 390.

Firearms Restriction (River Murray) Act, 1929.

Administration : Committed to the Minister of Agriculture *Gazette* 26th December, 1929, p. 1357.
s. 3. Proclamation : *Gazette* 26th December, 1929, p. 1357.
(For details of this proclamation, see the footnote in Volume 3, p. 75 of the South Australian Statutes, 1837-1936.)

Fire Brigades Act, 1936-1938.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s. 6. Proclamations : *Gazette* 24th June, 1937, p. 1361 ; 13th January, 1938, p. 53 ; 7th July, 1938, p. 1 ; 26th January, 1939, p. 245.
s. 7. Notices : *Gazette* 20th April, 1916, p. 823 ; 6th July, 1916, p. 34 ; 14th February, 1918, p. 323 ; 3rd July, 1919, p. 1 ; 2nd September, 1920, p. 525 ; 1st December, 1927, p. 1458 ; 8th December, 1927, p. 1546 ; 17th January, 1918, p. 89 ; 13th June, 1929, p. 1400 ; 20th June, 1929, p. 1487.
s. 31 (1) x. Proclamation : *Gazette* 10th December, 1925, p. 1528.
(For details of notices and proclamations under sections 7 and 31 (1) x., see the footnotes in Volume 3, pp. 80 and 89, of the South Australian Statutes, 1837-1936.)
By-laws relating to conditions of service for firemen : *Gazette* 19th July, 1900, p. 121.
By-laws relating to allowances and pensions : *Gazette* 11th February, 1926, p. 297 ; 3rd June, 1926, p. 1445 ; 15th July, 1926, p. 87 ; 19th August, 1926, p. 474.
Regulations : *Gazette* 29th July, 1937, p. 258 (nomination of members of the board) ; 31st May, 1906, p. 949 (volunteer fire brigades) ; 26th March, 1914, p. 748 (functions, duties, and powers of the chairman).

Fisheries Act, 1917-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 6. Proclamations : *Gazette* 11th March, 1937, p. 529 ; 17th June, 1937, p. 1305 ; 30th September, 1937, p. 850 ; 4th November, 1937, p. 1189 ; 2nd December, 1937, p. 1513 ; 16th December, 1937, p. 1709 ; 17th February, 1938, p. 357 ; 28th April, 1938, p. 898 ; 8th September, 1938, p. 624 ; 13th October, 1938, p. 976 ; 23rd February, 1939, p. 465.

Regulations : *Gazette* 11th March, 1937, p. 533 ; 5th January, 1939, p. 68.

Food and Drugs Act, 1908-1935.

s. 5. Proclamation defining " metropolitan area " ; *Gazette* 17th February, 1916, p. 299.

s. 5. Proclamations declaring poison schedule : *Gazette* 12th May, 1938, p. 975 ; 14th July, 1938, p. 49 ; 5th January, 1939, p. 1.

s. 30*a*. Proclamation : *Gazette* 25th July, 1935, p. 138.

s. 39. Proclamation : *Gazette* 29th July, 1909, p. 190.

General regulations : *Gazette* 19th May, 1910, p. 916 (paragraph (1) (*g*) of regulation 11 disallowed 31st August, 1910) ; 25th February, 1915, p. 550 ; 5th May, 1932, p. 787 (partly disallowed *Gazette* 29th September, 1932, p. 646) ; 3rd November, 1932, p. 886 ; 2nd February, 1933, p. 170 ; 21st September, 1933, p. 626 ; 12th September, 1935, p. 626 ; 26th May, 1938, p. 1143 ; (partly disallowed *Gazette* 8th September, 1938, p. 624) ; 14th July, 1938, p. 54 ; 12th January, 1939, p. 115.

Regulations relating to the sale of poisons : *Gazette* 19th May, 1938, p. 1041 ; (Regulations 4 and 35 partly disallowed : *Gazette* 29th September, 1938, p. 873) ; 14th July, 1938, p. 56 ; 4th August, 1938, p. 227 ; 5th January, 1939, p. 69.

Regulations relating to county board elections and attendance fees of the Advisory Committee : *Gazette* 12th August, 1909, p. 318.

Regulations relating to certain " Suppository " drugs : *Gazette* 23rd September, 1915, p. 925 ; 10th February, 1916, p. 268.

Regulation under the Fees Regulation Act, 1927, relating to the fee for a licence as a dealer in poisons : *Gazette* 24th November, 1927, p. 1226.

Footwear Regulation Act, 1920.

Regulations : *Gazette* 12th May, 1921, p. 1020.

Friendly Societies Act, 1919-1938.

s. 5. Proclamations : *Gazette* 5th May, 1921, p. 981 ; 7th June, 1928, p. 1209 ; 15th January, 1931, p. 65 ; 14th May, 1936, p. 1002.

(For details of these proclamations, see the footnote in Volume 3, p. 212 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 2nd August, 1894, p. 243 ; 25th May, 1933, p. 882.

Regulation under the Fees Regulation Act, 1927, relating to the fee payable to the Crown Solicitor for perusing and settling rules : *Gazette* 19th December, 1929, p. 1311.

Fruit and Vegetables (Grading) Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th January, 1937, p. 187.

s. 4. Proclamation : *Gazette* 14th February, 1935, p. 463.

(For details of this proclamation see the footnote in Volume 3, p. 216 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 22nd July, 1937, p. 182 ; 14th July, 1938, p. 53 ; 15th September, 1938, p. 699.

Fruit and Vegetables (Prevention of Injury) Act, 1927.

Administration : Committed to the Minister of Agriculture *Gazette* 26th January, 1928, p. 149.

Regulations : *Gazette* 19th April, 1928, p. 821.

Garden Suburb Act, 1919-1936.

Commencement : 19th February, 1920 ; *Gazette* 19th February, 1920, p. 493.

Administration : Committed to the Minister of Housing *Gazette* 29th May, 1924, p. 1208.

Gas Act, 1924.

Administration : Committed to the Attorney-General *Gazette* 15th January, 1925, p. 59.

s. 32. Proclamations : *Gazette* 3rd September, 1925, p. 571 ; 2nd February, 1928, p. 205 ; 8th August, 1929, p. 329.

Regulations : *Gazette* 19th November, 1925, p. 1346.

Gold Buyers Act, 1916-1935.

Commencement : 1st August, 1935 ; *Gazette* 11th July, 1935, p. 38.
Regulations : *Gazette* 19th December, 1935, p. 1477 ; 5th March, 1936, p. 537 ; 23rd December, 1937, p. 1809.

Goods (Trade Descriptions) Act, 1935.

Commencement : 1st March, 1937 ; *Gazette* 28th January, 1937, p. 187.
Administration : Committed to Minister of Industry and Employment *Gazette* 28th January, 1937, p. 187.

The Guardianship of Infants Act, 1887.

Rules of Court : *Gazette* 1st May, 1890, p. 1215.

Harbors Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 641.
Administration of Parts II. and III. : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 642.

s. 87. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 15th June, 1899, p. 1280 ; 8th September, 1904, p. 449 ; 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 13th June, 1929, p. 1399.

s. 121. Proclamation (made under the Marine Board and Navigation Act, 1881) : *Gazette* 10th June, 1926, p. 1462.

s. 153. Proclamation : *Gazette* 13th February, 1936, p. 397.

s. 191. Proclamations : *Gazette* 10th September, 1914, p. 623 ; 24th September, 1914, p. 707 ; 26th November, 1914, p. 1145 ; 17th December, 1914, p. 1266 ; 25th March, 1915, p. 775 ; 3rd June, 1915, p. 1284 ; 15th July, 1915, p. 331 ; 16th June, 1921, p. 1267 ; 18th March, 1926, p. 793 ; 3rd June, 1926, p. 1421 ; 16th December, 1926, p. 1512 ; 14th April, 1927, p. 842 ; 28th April, 1927, p. 934 ; 3rd April, 1930, p. 649 ; 13th November, 1930, p. 985 ; 12th February, 1931, p. 262 ; 25th August, 1932, p. 342 ; 19th January, 1933, p. 70 ; 26th January, 1933, p. 109 ; 26th October, 1933, p. 899 ; 25th January, 1934, p. 130 ; 26th April, 1934, p. 1095 ; 12th July, 1934, p. 39 ; 25th October, 1934, p. 846 ; 14th March, 1935, p. 777 ; 30th January, 1936, p. 270 ; 10th September, 1936, p. 490 ; 21st October, 1937, p. 1053 ; 29th September, 1938, p. 871.

(For details of the above proclamations made prior to 20th October, 1937, under sections 87, 121, 153, and 191, see the footnotes in Volume 3, pp. 369, 379, 395, 405, and 406, of the South Australian Statutes, 1837-1936.)

Regulations made under the Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 10th November, 1887, p. 928 ; 12th March, 1891, p. 768 ; 24th March, 1892, p. 724 ; 30th November, 1893, p. 1326 ; 4th November, 1897, p. 1384 ; 26th June, 1902, p. 1283 ; 3rd July, 1902, p. 2 ; 2nd April, 1903, p. 618 ; 2nd August, 1906, p. 212 ; 18th October, 1906, p. 817 ; 18th July, 1907, p. 115 ; 3rd October, 1907, p. 813 ; 10th October, 1907, p. 854 ; 21st January, 1909, p. 115 ; 28th January, 1909, p. 166 ; 17th June, 1909, p. 1121 ; 8th July, 1909, p. 43 ; 25th August, 1910, p. 393 ; 22nd September, 1910, p. 617 ; 30th March, 1911, p. 561 ; 15th June, 1911, p. 1177 ; 27th July, 1911, p. 159 ; 3rd August, 1911, p. 211 ; 2nd November, 1911, p. 911 ; 10th April, 1913, p. 680 ; 30th October, 1913, p. 1140 ; 4th December, 1913, p. 1619.

Moorings regulations : *Gazette* 26th April, 1883, p. 1429 ; 9th October, 1890, p. 894 ; 4th June, 1891, p. 1462 ; 5th May, 1892, p. 986 ; 30th November, 1893, p. 1326 ; 18th June, 1896, p. 1253.

River Murray navigation regulations : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714 .

Pilotage regulations : *Gazette* 26th September, 1889, p. 1354 ; 4th June, 1891, p. 1462 ; 16th February, 1899, p. 301 ; 15th June, 1899, p. 1280 ; 8th October, 1903, p. 737 ; 8th September, 1904, p. 449 ; 27th October, 1904, p. 771 ; 31st October, 1907, p. 975 ; 3rd June, 1909, p. 1042 ; 19th October, 1911, p. 813 ; 3rd April, 1913, p. 633 ; 8th May, 1913, p. 1002 ; 5th June, 1913, p. 1221 ; 15th January, 1914, p. 132 ; 2nd October, 1924, p. 825.

Regulations to leasing lands and construction of jetties and slips : *Gazette* 26th April, 1883, p. 1429 ; 2nd April, 1903, p. 618.;

Lifesaving regulations : *Gazette* 26th April, 1883, p. 1429 ; 10th November, 1892, p. 1269.

Miscellaneous regulations : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002 ; 22nd January, 1914, p. 198.

Harbors Act, 1936—*continued.*

Regulations made under the Harbors Acts, 1913-1933, and the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th August, 1915, p. 745 ; 23rd September, 1915, p. 925 ; 6th July, 1916, p. 2 ; 4th January, 1917, p. 8 ; 21st August 1919, p. 383 ; 21st April, 1921, p. 759 ; 23rd February, 1922, p. 641 ; 12th October, 1922, p. 834 ; 22nd March, 1923, p. 641 ; 25th October, 1923, p. 954 ; 11th June, 1925, p. 1136 ; 25th June, 1925, p. 1213 ; 28th January, 1926, p. 154 ; 14th October, 1926, p. 923 ; 21st March, 1935, p. 877 ; 25th June, 1936, p. 1257 ; 13th August, 1936, p. 250 ; 15th July, 1937, p. 115.

Moorings regulations : *Gazette* 28th May, 1914, p. 1167 ; 24th December, 1914, p. 1314 ; 15th June, 1916, p. 1250 ; 12th December, 1918, p. 1309 ; 23rd December, 1920, p. 1593 ; 13th May, 1926, p. 1234 ; 21st January, 1932, p. 68.

River Murray navigation regulations : *Gazette* 20th January, 1916, p. 94 ; 11th June, 1925, p. 1135.

Pilotage regulations : *Gazette* 22nd April, 1915, p. 1001 ; 14th September, 1916, p. 500 ; 14th December, 1916, p. 1155 ; 19th April, 1917, p. 635 ; 12th May, 1921, p. 1019 ; 2nd October, 1924, p. 825 ; 10th June, 1926, p. 1462 ; 5th May, 1927, p. 995 ; 13th June, 1929, p. 1399 ; 4th July, 1929, p. 3 ; 25th August, 1932, p. 343 ; 28th June, 1934, p. 1520 ; 20th May, 1937, p. 1150.

Regulations for adjustments of compasses : *Gazette* 30th May, 1935, p. 1433.

Regulations for survey, &c., of vessels : *Gazette* 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237.

Regulations for helm orders : *Gazette* 22nd December, 1932, p. 1188.

Wharfage regulations : *Gazette* 7th October, 1915, p. 1022 ; 16th December, 1915, p. 1602 ; 4th January, 1917, p. 7 ; 27th September, 1917, p. 747 ; 20th December, 1917, p. 1320 ; 24th January, 1918, p. 140 ; 24th January, 1918, p. 141 ; 7th June, 1923, p. 1246 ; 30th October, 1930, p. 893 ; 12th March, 1931, p. 471 ; 1st September, 1938, p. 472.

Storage regulations : *Gazette* 7th March, 1918, p. 442 ; 23rd September, 1915, p. 925 ; 4th April, 1929, p. 751.

Haulage regulations : *Gazette* 6th July, 1916, p. 2 ; 24th July, 1919, p. 126 ; 1st April, 1926, p. 935 ; 14th October, 1926, p. 923 ; 28th July, 1927, p. 216 ; 17th January, 1929, p. 105.

Port dues regulations : *Gazette* 30th October, 1930, p. 891.

Tonnage rates regulations : *Gazette* 30th October, 1930, p. 892 ; 18th December, 1930, p. 1230.

Miscellaneous regulations : *Gazette* 26th August, 1915, p. 744 ; 23rd September, 1915, p. 925 ; 20th January, 1916, p. 94 ; 23rd March, 1916, p. 570 ; 20th April, 1916, p. 827 ; 12th October, 1916, p. 662 ; 4th January, 1917, p. 7 ; 4th January, 1917, p. 8 ; 25th January, 1917, p. 203 ; 5th September, 1918, p. 565 ; 30th January, 1919, p. 232 ; 8th May, 1919, p. 832 ; 3rd July, 1919, p. 2 ; 26th August, 1920, p. 456 ; 2nd September, 1920, p. 528 ; 23rd June, 1921, p. 1318 ; 9th February, 1922, p. 524 ; 28th June, 1923, p. 1377 ; 27th November, 1924, p. 1405 ; 11th December, 1924, p. 1513 ; 22nd April, 1926, p. 1088 ; 9th September, 1926, p. 615 ; 10th February, 1927, p. 298 ; 24th February, 1927, p. 400 ; 2nd June, 1927, p. 1216 ; 27th October, 1927, p. 1008 ; 15th December, 1927, p. 1566 ; 19th July, 1928, p. 90 ; 29th August, 1929, p. 522 ; 5th September, 1929, p. 570 ; 26th September, 1929, p. 756 ; 21st August, 1930, p. 350 ; 30th October, 1930, p. 895 ; 11th August, 1932, p. 235 ; 22nd December, 1932, p. 1188 ; 11th January, 1934, p. 42 ; 30th August, 1934, p. 428 ; 30th May, 1935, p. 1433 ; 3rd November, 1938, p. 1214.

Rules of Court : *Gazette* 19th April, 1917, p. 639.

Hawkers Act, 1934.

Regulations : *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1936.

s. 5 (2). Proclamations : *Gazette* 25th November, 1937, p. 1434 ; 8th September, 1938, p. 623.

s. 29. Proclamations : *Gazette* 13th July, 1899, p. 57 ; 2nd November, 1899, p. 1039.

s. 38. Proclamation : *Gazette* 2nd November, 1899, p. 1039.

s. 89. Proclamations : *Gazette* 17th August, 1899, p. 344 ; 24th August, 1899, p. 407 ; 4th July, 1901, p. 1 ; 5th September, 1901, p. 503 ; 21st November, 1901, p. 1009 ; 20th March, 1902, p. 675 ; 9th January, 1908, p. 33 ; 23rd January, 1908, p. 107 ; 27th February, 1908, p. 358 ; 16th September, 1909, p. 561 ; 13th January, 1910, p. 31 ; 1st June, 1916, p. 161 ; 10th August, 1916, p. 237 ; 7th September, 1916, p. 460 ; 7th June, 1917, p. 944 ; 23rd June, 1938, p. 1485.

(For details of proclamations made prior to 22nd June, 1938, under sections 29, 38, and 89, see the footnotes in Volume 3, pp. 439, 440, and 452, of the South Australian Statutes, 1837-1936.)

Health Act, 1935-1936—*continued.*

s. 146 (6). Notices : *Gazette* 18th May, 1899, p. 1038. Notice dated 1st July, 1908, but not published in the *Gazette*.
Model regulations for the guidance of local boards : *Gazette* 29th June, 1899, p. 1442.
General regulations : *Gazette* 21st December, 1899, p. 1378.
Regulations relating to cattle and pigs : *Gazette* 11th December, 1902, p. 1142 ; 3rd October, 1907, p. 813.
Regulations relating to cowsheds, dairies, and milk shops : *Gazette* 21st May, 1908, p. 929.
Regulations relating to septic tanks : *Gazette* 24th September, 1908, p. 633 ; 27th October, 1921, p. 1012.
Regulations relating to infectious diseases and tuberculosis : *Gazette* 3rd November, 1938, p. 1215.
Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks : *Gazette* 24th November, 1927, p. 1226.

Hide, Skin, and Wool Dealers Act, 1915-1935.

Regulations : *Gazette* 26th November, 1936, p. 1150.

Highways Act, 1926-1938.

Commencement : 3rd February, 1927 ; *Gazette* 3rd February, 1927, p. 258.
Administration : Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.
s. 30. Proclamations : *Gazette* 9th June, 1938, p. 1285 ; 8th December, 1938, p. 1452 ; 2nd February, 1939, p. 334 ; 9th March, 1939, p. 569 ; 30th March, 1939, p. 739.
Regulations as to the preservation of trees : *Gazette* 19th September, 1929, p. 701.

Hire-Purchase Agreements Act, 1931.

Rules of Local Court under section 5 : *Gazette* 18th February, 1932, p. 312.

Homestead Act, 1895-1935.

Regulations : *Gazette* 6th February, 1896, p. 289.

Hospitals Act, 1934.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s. 5. Proclamations : *Gazette* 16th January, 1868, p. 51 ; 23rd March, 1882, p. 960 ; 12th October, 1905, p. 728 ; 1st March, 1934, p. 405 ; 9th August, 1934, p. 251 ; 24th September, 1936, p. 626 ; 3rd December, 1936, p. 1195 ; 1st July, 1937, p. 1 ; 26th January, 1939, p. 246 ; 16th March, 1939, p. 616.
s. 37. Notices : *Gazette* 25th March, 1920, p. 935 ; 23rd September, 1920, p. 849 ; 21st July, 1921, p. 95 ; 29th September, 1921, p. 714 ; 18th January, 1923, p. 93 ; 25th December, 1924, p. 1625 ; 13th May, 1926, p. 1233 ; 24th November, 1927, p. 1223 ; 28th June, 1928, p. 1623 ; 10th October, 1929, p. 854 ; 19th December, 1929, p. 1307 ; 11th September, 1930, p. 583 ; 6th February, 1936, p. 301 ; 3rd September, 1936, p. 417.
s. 43. Proclamations : *Gazette* 20th January, 1927, p. 122 ; 27th January, 1927, p. 178 ; 17th February, 1927, p. 338 ; 3rd March, 1927, p. 513 ; 24th March, 1927, p. 674 ; 19th May, 1927, p. 1099 ; 14th July, 1927, p. 45 ; 12th April, 1928, p. 774 ; 22nd November, 1928, p. 1094 ; 23rd May, 1929, p. 1051 ; 23rd May, 1929, p. 1052 ; 20th February, 1930, p. 371 ; 15th May, 1930, p. 892 ; 29th October, 1936, p. 949.
s. 48. Proclamation : *Gazette* 8th January, 1931, p. 26.
(For details of the proclamations and notices made prior to 30th June, 1937, under sections 5, 37, 43, and 48, see the footnotes in Volume 3, pp. 532, 543, 545, 549, and 550, of the South Australian Statutes, 1837-1936.)
Regulations relating to the following hospitals :—
Adelaide Hospital : *Gazette* 23rd February, 1922, p. 641 ; 7th December, 1922, p. 1460 ; 28th August, 1924, p. 555 ; 24th December, 1925, p. 1665 ; 19th August, 1926, p. 440 ; 27th January, 1927, p. 179 ; 19th January, 1933, p. 76 ; 10th January, 1935, p. 267 ; 16th July, 1936, p. 67 ; 15th September, 1938, p. 697.
Bedford Park Sanatorium : *Gazette* 15th March, 1934, p. 788.
Lady Weigall Hospital, Barmera : *Gazette* 8th October, 1936, p. 735.
The Morris Hospital, Northfield : *Gazette* 30th August, 1934, p. 431.
Mount Gambier Hospital : *Gazette* 27th January, 1938, p. 217.
Port Augusta Hospital : *Gazette* 8th September, 1938, p. 662.
Port Lincoln Hospital : *Gazette* 4th November, 1937, p. 1269.
Port Pirie Hospital : *Gazette* 11th October, 1928, p. 806.
Wallaroo Hospital : *Gazette* 21st January, 1937, p. 162.
General regulations relating to the powers of the Inspector-General of Hospitals : *Gazette* 27th September, 1923, p. 727.
Regulations relating to rating for hospital purposes : *Gazette* 19th August, 1920, p. 383.

Immigration Act, 1923-1937.

Administration : Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.

Regulations : *Gazette* 1st March, 1928, p. 454 ; 3rd May, 1928, p. 917.

Impounding Act, 1920-1938.

Administration : Committed to the Minister of Local Government *Gazette* 22nd April, 1937, p. 849.

Income Tax Assessment Act, 1936.

s 132. Proclamation : *Gazette* 18th February, 1937, p. 334.

Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January, 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.

Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December, 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August, 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.

Regulations under the Taxation Act, 1927, and its amendments *Gazette* 29th December, 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929, p. 1307 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576.

Regulations under the Income Tax Assessment Act, 1936 : *Gazette* 24th December, 1936, p. 1367 ; 18th February, 1937, p. 375 ; 27th May, 1937, p. 1206.

Industrial and Provident Societies Act, 1923-1935.

Regulations : *Gazette* 13th November, 1924, p. 1316.

Rules of Court under section 9 (3) : *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1920-1936.

Rules of the Industrial Court : *Gazette* 27th January, 1921, p. 162 ; 5th March, 1925, p. 394 ; 4th March, 1926, p. 733 ; 1st October, 1936, p. 679.

Regulations as to Industrial Boards : *Gazette* 28th April, 1921, p. 939 ; 2nd June, 1921, p. 1179 ; 18th August, 1921, p. 320 ; 28th January, 1937, p. 188.

Rules as to the Board of Industry : *Gazette* 13th January, 1921, p. 54 ; 27th January, 1921, p. 158 ; 14th April, 1921, p. 712.

Regulations as to the Board of Industry : *Gazette* 28th January, 1937, p. 188.

Regulations as to factories and shops : *Gazette* 28th April, 1921, p. 942 ; 24th November, 1927, p. 1226.

Inebriates Act, 1908-1934.

Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January, 1915, p. 2.

Rules of Court : *Gazette* 26th October, 1911, p. 864.

Inflammable Oils Act, 1908-1935.

Commencement : 1st June, 1909 ; *Gazette* 4th March 1909, p. 444.

Administration : Committed to the Minister of Industry *Gazette* 17th November, 1932, p. 953.

s. 46. Proclamation : *Gazette* 28th October, 1920, p. 1120.

General regulations : *Gazette* 28th June, 1934, p. 1513.

Regulations for control of ships carrying inflammable oils : *Gazette* 22nd November, 1934, p. 1086.

Institute of Medical and Veterinary Science Act, 1937.

Commencement : 9th June, 1938 ; *Gazette* 9th June, 1938, p. 1270.

Regulations : *Gazette* 30th June, 1938, p. 1568.

Insurance Companies (Deposits) Act, 1924-1931.

Regulations : *Gazette* 4th April, 1929, p. 752.

Interstate Destitute Persons Relief Act, 1910-1934.

Commencement : 5th January, 1911 ; *Gazette* 5th January, 1911, p. 1.

s. 5. Proclamations : *Gazette* 23rd March, 1911, p. 499 ; 20th February, 1913, p. 343; 2nd October, 1913, p. 762 ; 5th August, 1915, p. 555 ; 21st July, 1921, p. 95.

(For details of the above proclamations see the footnote in Volume 4, p. 43 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 27th April, 1911, p. 720.

Irrigation Act, 1930-1936.

Commencement: 5th February, 1931; *Gazette* 5th February, 1931, p. 189.
ss. 16, 17, and 18. Proclamations relating to irrigation areas: *Gazette* 11th July, 1907, p. 43; 12th November, 1908, p. 933; 25th March, 1909, p. 572; 29th April, 1909, p. 785; 27th January, 1910, p. 104; 13th October, 1910, p. 744; 3rd November, 1910, p. 919; 24th November, 1910, p. 1063; 19th September, 1912, p. 677; 12th June, 1913, p. 1268; 21st May, 1914, p. 1106; 4th February, 1915, p. 276; 25th February, 1915, p. 484; 25th February, 1915, p. 485; 2nd September, 1915, p. 800; 17th February, 1916, p. 299; 17th August, 1916, p. 289; 28th September, 1916, p. 568; 9th November, 1916 p. 910; 13th June, 1918, p. 1117; 30th October, 1919, p. 1083; 11th August, 1921, p. 269; 15th December, 1921, p. 1386; 26th January, 1922, p. 158; 27th April, 1922, p. 1119; 24th August, 1922, p. 413; 7th September, 1922, p. 545; 12th April, 1923, p. 819; 17th May, 1923, p. 1074; 12th July, 1923, p. 49; 16th August, 1923, p. 350; 5th June, 1924, p. 1271; 4th June, 1925, p. 1085; 9th July, 1925, p. 51; 24th September, 1925, p. 739; 9th September, 1926, p. 614; 22nd December, 1927, p. 1609; 17th May, 1928, p. 1035; 25th September, 1930, p. 621; 13th November, 1930, p. 986; 8th January, 1931, p. 26; 17th January, 1935, p. 292.
Regulations: *Gazette* 20th June, 1928, p. 1642; 3rd July, 1930, p. 2.

Juries Act, 1927-1937.

Commencement: 6th January, 1928; *Gazette* 5th January, 1928, p. 1.
s. 9. Proclamation: *Gazette* 27th October, 1938, p. 1100.
s. 77. Proclamation: *Gazette* 22nd October, 1931, p. 776.

Justices Act, 1921-1936.

Commencement: 26th July, 1922; *Gazette* 29th June, 1922, p. 1575.
Rules of the Supreme Court as to appeals under Part VI.: *Gazette* 22nd September, 1938, p. 776.
Rules made by the Governor under s. 203: *Gazette* 27th February, 1930, p. 443; 3rd April, 1930, p. 650; 22nd October, 1931, p. 777; 6th April, 1933, p. 552; 29th April, 1937, p. 947; 1st September, 1938, p. 499.
Regulations (referred to in sections 158, 159) as to payment to witnesses and others for attendance at criminal prosecutions: *Gazette* 13th January, 1921, p. 53; 22nd October, 1931, p. 776; 3rd November, 1938, p. 1225.
Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374.
Rules under the Licensing Act, 1932, and the Justices Act, 1921: *Gazette* 29th April, 1937, p. 945.

Land Agents Act, 1925-1936.

Commencement: 7th January, 1926; *Gazette* 7th January, 1926, p. 1.
Administration: Committed to the Attorney-General *Gazette* 28th January, 1926, p. 152.
Regulations: *Gazette* 28th January, 1926, p. 153; 11th February, 1926, p. 267; 18th March, 1926, p. 794; 9th February, 1928, p. 262; 16th February, 1928, p. 331; 24th October, 1929, p. 954; 15th July, 1937, p. 115.

Landlord and Tenant Act, 1936.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Rent Reduction) Act, 1932-1936.

Commencement: 24th November, 1932; *Gazette* 24th November, 1932, p. 1001.
Rules of the Local Court: *Gazette* 22nd December, 1932, p. 1209.

Land Tax Act, 1936.

Commencement: 7th January, 1937; *Gazette* 7th January, 1937, p. 1.
s. 45. Proclamation: *Gazette* 26th August, 1937, p. 498.
Regulations under the Taxation Act, 1884, and its amendments: *Gazette* 22nd January, 1885, p. 203; 29th December, 1904, p. 1205; 24th December, 1908, p. 1257.
Regulations under the Taxation Act, 1915, and its amendments: *Gazette* 20th December, 1917, p. 1320; 3rd January, 1918, p. 6; 20th December, 1923, p. 1436; 21st August, 1924, p. 403; 9th April, 1925, p. 627; 23rd July, 1925, p. 199.
Regulations under the Taxation Act, 1927, and its amendments: *Gazette* 29th December, 1927, p. 1681; 28th June, 1928, p. 1624; 4th July, 1929, p. 17; 19th December, 1929, p. 1311; 10th July, 1930, p. 49; 4th August, 1932, p. 182; 13th June, 1935, p. 1576.

Law of Property Act, 1936.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.

Legal Practitioners Act, 1936-1938.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 645.

Rules of Court as to the statutory committee : *Gazette* 9th November, 1916, p. 943.

Licensing Act, 1932-1936.

Commencement : 8th December, 1932 ; *Gazette* 8th December, 1932, p. 1079.

s. 5. Order : *Gazette* 11th October, 1917, p. 852.

s. 114. Proclamations : *Gazette* 26th May, 1932, p. 963 ; 8th June, 1933, p. 974 ; 29th June 1933, p. 1093.

(For details of these proclamations see the footnote in Volume 4, p. 439 of the South Australian Statutes, 1837-1936.)

s. 223. Proclamation : *Gazette* 28th July, 1938, p. 166.

Regulations as to polls under section 62 : *Gazette* 22nd December, 1932, p. 1187.

Regulations under section 189 as to declarations by *bona fide* travellers : *Gazette* 6th February, 1936, p. 302.

Regulations under section 195 as to declarations by *bona fide* lodgers : *Gazette* 17th December, 1931, p. 1118.

Regulations under section 197a as to permits to sell liquor in restaurants : *Gazette* 30th January, 1936, p. 271.

Regulations under section 199 as to permits to sell or consume liquor on special occasions : *Gazette* 23rd January, 1936, p. 208 ; 9th April, 1936, p. 813 ; 29th April, 1937, p. 945.

Regulations as to proof of notices : *Gazette* 14th October, 1937, p. 1027.

Regulations as to licensing districts : *Gazette* 28th July, 1938, p. 168.

Life Assurance Companies Act, 1936.

Regulations : *Gazette* 27th June, 1889, p. 1800.

Lifts Regulation Act, 1908-1934.

Regulations : *Gazette* 21st November, 1935, p. 1273.

Loans for Fencing and Water Piping Act, 1938.

Commencement : 1st February, 1939 ; *Gazette* 19th January, 1939, p. 121.
s. 13 (7). Notice : *Gazette* 2nd February, 1939, p. 343.

Loans to Producers Act, 1927.

Regulations : *Gazette* 21st July, 1927, p. 126 ; 6th March, 1930, p. 484.

Local Courts Act, 1926-1936.

Commencement : 7th March, 1927 ; *Gazette* 10th February, 1927, p. 297.
s. 294. Proclamation : *Gazette* 5th November, 1936, p. 1005.
General rules of Court : *Gazette* 24th February, 1927, p. 413.
Further rules of Court as to Local Court actions : *Gazette* 19th December, 1929, p. 1344; 17th September, 1931, p. 494 ; 27th January, 1938, p. 169.
Rules of Court as to bailiffs' fees : *Gazette* 20th October, 1932, p. 802.
Rules of Court as to transferring judgments : *Gazette* 26th December, 1935, p. 1635.
Rules of Court as to applications under section 5 of the Hire-Purchase Agreements Act, 1931 : *Gazette* 18th February, 1932, p. 312.
Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936 : *Gazette* 22nd December, 1932, p. 1209.
Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936 : *Gazette* 22nd June, 1899, p. 1357.
Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936 : *Gazette* 28th January, 1932, p. 158.
Rules of Court as to appeals against refusal of drivers' licences under the Road Traffic Act, 1934-1938 : *Gazette* 4th March, 1937, p. 484.
Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934 : *Gazette* 26th March, 1936, p. 705.
Rules of Court under the Workmen's Compensation Act, 1932-1938 : *Gazette* 4th May, 1933, p. 723.
Rules of Court under the Workmen's Liens Act, 1893-1936 : *Gazette* 21st February, 1895, p. 453.
Rules of the Supreme Court as to Local Court appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.

Local Government Act, 1934-1938.

Commencement: 2nd November, 1934; *Gazette* 25th October, 1934, p. 845.
Administration: Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.
s. 179. Proclamations: *Gazette* 8th August, 1908, p. 249; 25th February, 1909, p. 387; 22nd December, 1910, p. 1300; 12th January, 1911, p. 45; 19th January, 1911, p. 95; 28th December, 1911, p. 1360; 28th March, 1912, p. 585; 17th April, 1913, p. 725; 26th June, 1913, p. 1343; 13th July, 1922, p. 54; 25th March, 1926, p. 866; 11th August, 1927, p. 347; 18th August, 1927, p. 411; 8th September, 1927, p. 599; 22nd September, 1927, p. 713; 18th October, 1928, p. 874; 15th November, 1928, p. 1053; 24th December, 1930, p. 1293.
(For details of these proclamations see the footnote in Volume 5, p. 86 of the South Australian Statutes, 1837-1936.)
s. 495. Proclamations: *Gazette* 21st September, 1922, p. 675; 31st July, 1924, p. 226; 28th February, 1935, p. 592; 28th November, 1935, p. 1285; 14th January, 1937, p. 33.
s. 647. Proclamation: *Gazette* 3rd May, 1894, p. 1009.
Regulations relating to Local Government Auditors' Certificates: *Gazette* 20th February, 1936, p. 459.
Regulations as to qualifications of officers: *Gazette* 13th October, 1938, p. 1023; 16th March, 1939, p. 670.
Regulations relating to reflections on barriers: *Gazette* 19th December, 1935, p. 1447.
Regulations relating to the charges of the Crown Solicitor under section 674: *Gazette* 31st January, 1935, p. 371.
Regulations relating to cemeteries generally: *Gazette* 27th August, 1896, p. 487; 2nd March, 1916, p. 414.
Regulations relating to the West Terrace Cemetery: *Gazette* 2nd October, 1930, p. 662.
Model by-laws: *Gazette* 17th September, 1936, p. 562; 13th May, 1937, p. 1089 and 13th October, 1938, p. 976, (amendments of model by-law No. I.); 18th August, 1938, p. 335 (amendment of model by-law No. VII.); 9th March, 1939, p. 570 (not yet in force; amendment of model by-law No. XVIII.)

Lottery and Gaming Act, 1936-1938.

Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938; 19th December, 1938: *Gazette* 15th December, 1938, p. 1497.
s. 32. Proclamations: *Gazette* 13th February, 1936, p. 398; 12th March, 1936, p. 593; 23rd July, 1936, p. 109; 24th December, 1936, p. 1321; 18th February, 1937, p. 334; 21st October, 1937, p. 1053.
(For details of proclamations made prior to 20th October, 1937, see the footnote in Volume 5, p. 415 of the South Australian Statutes, 1837-1936.)
Rules and regulations as to the totalizator: *Gazette* 27th May, 1937, p. 1207. (These rules and regulations are reprinted in Volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936, and in this volume, pp. 427-430.)
Rules as to bookmakers: *Gazette* 5th March, 1936, p. 553; 30th April, 1936, p. 964; 16th July, 1936, p. 105; 3rd September, 1936, p. 487; 10th September, 1936, p. 542; 17th September, 1936, p. 622; 19th November, 1936, p. 1148; 26th November, 1936, p. 1191; 21st January, 1937, p. 181; 11th February, 1937, p. 289; 4th March, 1937, p. 518; 11th March, 1937, p. 583; 25th March, 1937, p. 693; 15th April, 1937, p. 837; 29th July, 1937, p. 304; 9th September, 1937, p. 694; 16th September, 1937, p. 745; 2nd December, 1937, p. 1570; 9th December, 1937, p. 1696; 17th February, 1938, p. 406; 24th March, 1938, p. 694; 2nd June, 1938, p. 1256; 28th July, 1938, p. 197; 1st September, 1938, p. 621; 22nd December, 1938, p. 1591; 12th January, 1939, p. 116; 9th February, 1939, p. 412.

Lower River Broughton Irrigation Trust Act, 1938.

Commencement: 2nd February, 1939: *Gazette* 2nd February, 1939, p. 334.
Administration: Committed to the Commissioner of Public Works *Gazette* 16th February, 1939, p. 422.

Maintenance Act, 1926-1937.

Commencement: 7th April, 1927; *Gazette* 7th April, 1927, p. 791.
s. 152. Proclamations: *Gazette* 11th June, 1891, p. 1582; 2nd April, 1896, p. 731; 20th January, 1898, p. 81.
s. 153. Proclamations: *Gazette* 13th January, 1898, p. 41; 3rd August, 1922, p. 217; 28th August, 1930, p. 407.
s. 154. Proclamations: *Gazette* 8th November, 1900, p. 1105; 20th December, 1900, p. 1382.
(For details of proclamations made under sections 152, 153, and 154, see the footnotes in Volume 5, p. 517 of the South Australian Statutes, 1837-1936.)
Regulations: *Gazette* 24th February, 1927, p. 400; 7th April, 1927, p. 793.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1925.

s. 12. Proclamations : *Gazette* 7th December, 1922, p. 1458 ; 24th May, 1923, p. 1140 ; 20th March, 1924, p. 711 ; 12th November, 1925, p. 1298 ; 12th November, 1925, p. 1299 ; 17th December, 1925, p. 1606 ; 17th December, 1925, p. 1607 ; 24th December, 1925, p. 1661 ; 7th July, 1927, p. 1 ; 29th November, 1928, p. 1138 ; 15th November, 1929, p. 401.

(For details of proclamations see the footnote in Volume 5, p. 548 of the South Australian Statutes, 1837-1936.)

Rules made under the above Act, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374.

Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926 : *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

Administration : Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.

s. 3. Proclamations : *Gazette* 5th May, 1938, p. 938 ; 11th August, 1938, p. 273.

Margarine Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.

Regulations : *Gazette* 29th August, 1935, p. 509.

Marine Act, 1936.

Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.

Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933 :—

River Murray navigation : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714.

Adjustment of compasses : *Gazette* 9th August, 1900, p. 367 ; 30th May, 1935, p. 1433.

Engagement and discharge of seamen : *Gazette* 16th April, 1883, p. 1429 ; 4th August, 1887, p. 246 ; 26th September, 1889, p. 1354.

Receiver of Wreck : *Gazette* 26th April, 1883, p. 1429.

Survey, etc., of vessels : *Gazette* 15th April, 1880, p. 1259 ; 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 30th November, 1899, p. 1197 ; 9th October, 1913, p. 815 ; 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237.

Collision regulations : *Gazette* 16th February, 1899, p. 301.

Examination of masters and mates : *Gazette* 22nd October, 1903, p. 839 ; 7th December, 1905, p. 1214 ; 9th December, 1926, p. 1470.

Examination of engineers : *Gazette* 16th October, 1902, p. 763 ; 16th July, 1908, p. 95.

Court of Survey (Rules) : *Gazette* 19th November, 1885, p. 1328.

Court of Marine Inquiry (Rules) : *Gazette* 27th February, 1936, p. 506.

Miscellaneous : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002.

The Marine Stores Act, 1898-1935.

Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.

Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458.

Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

The Markets Clauses Act, 1870-1937.

s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Marriage Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 187.

Administration : Committed to the Chief Secretary *Gazette* 18th February, 1937, p. 334.

Matrimonial Causes Act, 1929-1938.

Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.

Rules of Court : *Gazette* 5th December, 1935, p. 1349.

(These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710-728 of the South Australian Statutes, 1837-1936.)

Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1935.

Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111.

Mental Defectives Act, 1935-1936.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.

Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.

s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903.

s. 16. Proclamation : *Gazette* 17th January, 1935, p. 293.

s. 122. Proclamations : *Gazette* 21st January, 1915, p. 127 ; 26th October, 1922, p. 941.

(For details of proclamations under section 12, 16, and 122, see the footnotes in Volume 5, pp. 752, 754, and 798 of the South Australian Statutes, 1837-1936.)

Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265.

Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98.

Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255.

Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.

Regulations relating to criminal mental defectives : *Gazette* 8th February, 1934, p. 254 ; 17th January, 1935, p. 293.

Regulations relating to powers to write off charges, &c. : *Gazette* 10th August, 1916, p. 237.

Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.

Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1937.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.

General regulations : *Gazette* 16th January, 1913, p. 107 ; 12th June, 1919, p. 1037 ; 12th June, 1919, p. 1038 ; 13th November, 1924, p. 1329 ; 27th November, 1924, p. 1407 ; 4th October, 1934, p. 686 ; 1st April, 1937, p. 723 ; 8th April, 1937, p. 754 ; 1st July, 1937, p. 15 ; 16th December, 1937, p. 1729 ; 16th December, 1937, p. 1730 ; 12th May, 1938, p. 978 ; 12th May, 1938, p. 980 ; 25th August, 1938, p. 405.

Regulations as to the milch cow market : *Gazette* 29th May, 1913, p. 1204 ; 2nd February, 1922, p. 509.

Regulations as to branding of stock : *Gazette* 29th May, 1913, p. 1205.

Regulations as to inspection of small goods : *Gazette* 4th April, 1918, p. 662.

Regulations as to inspection of meat in shops : *Gazette* 2nd February, 1922, p. 508.

Regulations as to muzzling of dogs and use of sticks in handling stock : *Gazette* 4th October, 1934, p. 686.

Regulations as to the election of the board : *Gazette* 1st February, 1934, p. 194 ; 26th May, 1938, p. 1152.

Metropolitan Drainage Act, 1935.

ss. 10 and 11. Notice : *Gazette* 16th June, 1938, p. 1458.

Regulations : *Gazette* 7th July, 1938, p. 2.

Metropolitan Infectious Diseases Hospital Act, 1922-1935.

Commencement : 17th October, 1929 ; *Gazette* 17th October, 1929, p. 889.

Administration : Committed to the Chief Secretary *Gazette* 31st October, 1929, p. 1005.

s. 4. Proclamations : *Gazette* 5th October, 1933, p. 738 ; 12th December, 1935, p. 1389.

(For details of proclamations see the footnote in Volume 6, p. 84 of the South Australian Statutes, 1837-1936.)

General regulations : *Gazette* 10th November, 1932, p. 937 ; 27th July, 1933, p. 142.

Regulations for election of members of the board : *Gazette* 31st October, 1929, p. 1008.

Regulations relating to instalments payable by constituent local boards for the period from 1st December, 1934, to 30th June, 1935 : *Gazette* 7th March, 1935, p. 686.

Mines and Works Inspection Act, 1920-1935.

Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.

Administration : Committed to the Minister of Mines *Gazette* 17th March, 1921, p. 537.

General regulations : *Gazette* 6th February, 1930, p. 227 ; 17th November, 1932, p. 954.

Regulations as to lead and gas poisoning : *Gazette* 19th November, 1925, p. 1343.

Regulations as to use of electric power : *Gazette* 10th February, 1927, p. 298.

Regulations as to miners' inspectors and inspection : *Gazette* 7th August, 1930, p. 238.

Mining Act, 1930-1931.

Regulations : 22nd March, 1934, p. 859 (Part V. disallowed *Gazette* 25th October, 1934, p. 849) ; 24th January, 1936, p. 268 ; 30th January, 1936, p. 270 ; 14th May, 1936, p. 1002 ; 24th September, 1936, p. 626 ; 17th December, 1936, p. 1282.

Mining on Private Property Act, 1909-1936.

Regulations : *Gazette* 10th July, 1919, p. 38. (These regulations are incorporated in the second schedule of the above Act, in Volume 6, p. 195 of the South Australian Statutes, 1837-1936.)

Moneylenders Act, 1924-1936.

Regulations : *Gazette* 29th January, 1925, p. 150 ; 6th August, 1925, p. 304.

Regulations under the Fees Regulation Act, 1927, fixing the fee for registration or renewal of registration as a money-lender : *Gazette* 24th November, 1927, p. 1226.

Mortgagors Relief Act, 1931-1936.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.

Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Municipal Tramways Trust Act, 1935-1937.

By-laws as to fares and routes : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 8th June, 1922, p. 1478 ; 18th October, 1923, p. 901 ; 16th April, 1925, p. 681 ; 8th August, 1929, p. 342 ; 7th November, 1929, p. 1048 ; 19th December, 1929, p. 1343 ; 26th December, 1929, p. 1362 ; 30th January, 1930, p. 186 ; 20th February, 1930, p. 374 ; 21st August, 1930, p. 357.

By-laws regulating passenger traffic generally, and the conduct of passengers : *Gazette* 14th July, 1910, p. 47 ; 26th December, 1912, p. 1324 ; 14th January, 1915, p. 61 ; 18th September, 1919, p. 665 ; 20th January, 1921, p. 109 ; 24th March, 1921, p. 596 ; 11th August, 1921, p. 272 ; 8th June, 1922, p. 1478 ; 16th April, 1925, p. 681.

By-laws as to tramway sections : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 27th November, 1919, p. 1357 ; 24th May, 1923, p. 1142 ; 7th February, 1924, p. 329 ; 3rd April, 1924, p. 825 ; 29th May, 1924, p. 1210 ; 16th October, 1924, p. 957 ; 24th December, 1925, p. 1665 ; 22nd September, 1927, p. 759.

By-laws regulating ordinary traffic where tramways laid : *Gazette* 14th July, 1910, p. 47 ; 21st August, 1924, p. 436 ; 26th December, 1929, p. 1362.

General by-laws : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 16th April, 1925, p. 681.

Regulations as to the election of members of the trust : *Gazette* 5th November, 1936, p. 1061.

The National Park Act, 1891-1935.

General by-laws : *Gazette* 17th November, 1892, p. 1298.
By-laws as to plying for hire : *Gazette* 15th March, 1906, p. 443.

The National Pleasure Resorts Act, 1914-1935.

Administration : Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.
By-laws : *Gazette* 29th October, 1925, p. 1165.

The Northern Territory Surrender Act, 1907.

Commencement : 1st January, 1911 ; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement : 1st January, 1920 ; *Gazette* 25th December, 1919, p. 1573.

Notification of Births Act, 1926-1936.

Regulations : *Gazette* 22nd December, 1927, p. 1611.

Noxious Insects Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.
s. 3. Proclamations : *Gazette* 10th January, 1935, p. 263 ; 21st February, 1935, p. 547.
(For details of these proclamations see the footnote in Volume 6, p. 315 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 10th January, 1935, p. 264.

Noxious Weeds Act, 1931-1938.

Commencement : 17th March, 1932 ; *Gazette* 17th March, 1932, p. 511.
Administration : Committed to the Minister of Agriculture *Gazette* 7th January, 1932, p. 1.
Regulations : *Gazette* 12th May, 1938, p. 1020 ; 20th October, 1938, p. 1042 ; 16th February, 1939, p. 423 ; 30th March, 1939, p. 743.

Nurses Registration Act, 1920-1938.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.

Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.

Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560.

Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238.

Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934, p. 479 ; 4th June, 1936, p. 1134.

Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324.

Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 23rd August, 1928, p. 414.

Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.

Offenders Probation Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.

Regulations : *Gazette* 26th February, 1914, p. 516.

Opticians Act, 1920-1935.

Commencement : 23rd June, 1921 ; *Gazette* 23rd June, 1921, p. 1315.

General regulations : *Gazette* 28th February, 1929, p. 470 ; 27th June, 1929, p. 1494 ; 5th September, 1929, p. 570 ; 8th March, 1934, p. 462.

Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Pastoral Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

s. 49. Proclamations : *Gazette* 6th August, 1936, p. 207 ; 11th February, 1937, p. 286 ; 22nd April, 1937, p. 850 ; 10th June, 1937, p. 1281 ; 24th June, 1937, p. 1363 ; 5th August, 1937, p. 309 ; 16th September, 1937, p. 698 ; 18th November, 1937, p. 1345 ; 2nd December, 1937, p. 1514 ; 10th February, 1938, p. 296 ; 24th March, 1938, p. 660 ; 27th October, 1938, p. 1100.

(For details of proclamations made prior to 4th August, 1937, see the footnote in Volume 6, p. 426 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 18th January, 1923, p. 103 ; 20th March, 1930, p. 565 ; 17th March 1938, p. 609.

Pest Destroyers Act, 1919-1935.

Regulations : *Gazette* 18th October, 1934, p. 774 ; 31st January, 1935, p. 372.

Pharmacy Act, 1935-1937.

Regulations : *Gazette* 21st July, 1892, p. 141 ; 4th October, 1906, p. 714 ; 29th October, 1914, p. 947 ; 8th May, 1930, p. 859 ; 29th May, 1930, p. 1009 ; 30th July, 1931, p. 165 ; 7th September, 1933, p. 467 ; 8th March, 1934, p. 474 ; 9th June, 1938, p. 1441 ; (Regulation 67 disallowed, *Gazette* 15th September, 1938, p. 697.)

Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Phylloxera Act, 1936-1937.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Pistol Licence Act, 1929.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.

Regulations : *Gazette* 5th December, 1929, p. 1216.

The Places of Public Entertainment Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679.
s. 4. Proclamations : *Gazette* 18th December, 1913, p. 1734 ; 15th July, 1915, p. 331 ; 7th October, 1915, p. 1020 ; 8th February, 1917, p. 263 ; 9th May, 1918, p. 945 ; 24th October, 1918, p. 916 ; 21st August, 1919, p. 379 ; 24th August, 1922, p. 415 ; 24th May, 1923, p. 1137 ; 5th March, 1925, p. 390 ; 26th November, 1925, p. 1405 ; 18th March, 1926, p. 794 ; 30th September, 1926, p. 802 ; 27th September, 1928, p. 686 ; 19th September, 1929, p. 698 ; 6th August, 1931, p. 203 ; 19th April, 1934, p. 1057 ; 7th June, 1934, p. 1393 ; 1st November, 1934, p. 885 ; 13th December, 1934, p. 1186 ; 14th February, 1935, p. 463 ; 4th July, 1935, p. 1 ; 5th September 1935, p. 517 ; 14th November, 1935, p. 1133 ; 13th February, 1936, p. 397 ; 18th March, 1937, p. 586 ; 9th September, 1937, p. 639.
(For details of proclamations made prior to 8th September, 1937, see the table of proclamations in Volume 6, pp. 554-556 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 17th May, 1923, p. 1075 ; 14th February, 1924, p. 394 ; 22nd January, 1925, p. 102 ; 31st July, 1930, p. 186 ; 4th December, 1930, p. 1131.

Police Act, 1936-1938.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 43. Proclamation : *Gazette* 14th June, 1934, p. 1434.
Regulations made by the Commissioner of Police for the general government of the Police Force : *Gazette* 30th September, 1920, p. 907 ; 23rd July, 1931, p. 100.
Regulations made by the Commissioner of Police relating to appointments, transfers, and promotions to plain clothes and detective police were approved by the Chief Secretary on 13th April, 1921, but have not been published in the *Gazette*.
Regulations made by the Governor as to promotions : *Gazette* 10th November, 1921, p. 1105.
Regulations made by the Governor as to police officers engaging in business : *Gazette* 29th August, 1935, p. 514.
Regulations made by the Governor as to appeals to the appeal board : *Gazette* 11th February, 1926, p. 265.
Regulations made by the Governor under section 149a : *Gazette* 23rd March, 1939, p. 732.

Police Pensions Act, 1929-1935.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.
General regulations : *Gazette* 19th December, 1929, p. 1307.
Regulations as to contributions of members on leave without pay : *Gazette* 10th October, 1935, p. 754.

Port Lincoln Abattoirs Act, 1937.

Commencement : 23rd March, 1939 ; *Gazette* 23rd March, 1939, p. 671.
Regulations : *Gazette* 23rd March, 1939, p. 734.

Prevention of Cruelty to Animals Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Primary Producers Debts Act, 1935-1937.

Regulations : *Gazette* 11th July, 1935, p. 75 ; 18th June, 1936, p. 1210.

Prisons Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
General prison regulations : *Gazette* 15th October, 1936, p. 809.
Police prison regulations : *Gazette* 30th August, 1906, p. 453 ; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1923, p. 1435.

Public Charities Funds Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.

Public Library, Museum, and Art Gallery, and Institutes Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
s. 46. Proclamations : *Gazette* 8th July, 1937, p. 29 ; 30th September, 1937, p. 851 ; 18th November, 1937, p. 1346 ; 22nd December, 1938, p. 1541.
Regulations for the conduct of the business of the board : *Gazette* 30th March, 1911, p. 566 ; 8th September, 1921, p. 508.
Regulations for the management of the public library : *Gazette* 16th July, 1914, p. 123.
Regulations for the management of the public reading room : *Gazette* 16th July, 1914, p. 123.
Regulations for the management of the museum : *Gazette* 16th July, 1914, p. 124.

Public Library, Museum, and Art Gallery, and Institutes Act, 1936—*continued.*

Regulations for the management of the art gallery : *Gazette* 16th July, 1914, p. 124.

Regulations for the management of the archives department : *Gazette* 5th August, 1920, p. 244.

Regulations relating to the association : *Gazette* 6th October, 1910, p. 714 ; 23rd April, 1936, p. 890 ; 14th July, 1938, p. 78.

Public Service Act, 1936-1938.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

s. 25. Proclamations : *Gazette* 14th June, 1917, p. 992 ; 30th January, 1919, p. 231 ; 4th September, 1919, p. 517 ; 4th December, 1919, p. 1411 ; 22nd July, 1920, p. 117 ; 28th October, 1920, p. 1119 ; 13th October, 1921, p. 866 ; 23rd February, 1922, p. 641 ; 29th March, 1923, p. 689 ; 31st March, 1927, p. 741 ; 7th April, 1927, p. 791 ; 16th June, 1927, p. 1301 ; 8th December, 1927, p. 1514 ; 13th December, 1928, p. 1214 ; 31st January, 1929, p. 217 ; 28th March, 1929, p. 635 ; 3rd October, 1929, p. 802 ; 13th November, 1930, p. 985 ; 20th November, 1930, p. 1025 ; 2nd April, 1936, p. 734 ; 2nd July, 1936, p. 1 ; 8th October, 1936, p. 698.

s. 45. Notices : *Gazette* 9th September, 1937, p. 667 ; 16th September, 1937, p. 699.

Regulations : *Gazette* 16th February, 1922, p. 569 ; 13th July, 1922, p. 54 ; 18th October, 1926, p. 965 (Nos. 2-10, inclusive, not now in force) ; 20th March, 1924, p. 711 ; 19th June, 1924, p. 1360 ; 10th May, 1928, p. 964 ; 1st November, 1928, p. 978 ; 14th August, 1930, p. 296 ; 3rd September, 1936, p. 418 ; 12th November, 1936, p. 1065 ; 31st March, 1938, p. 708 ; 13th October, 1938, p. 1032.

Public Supply and Tender Act, 1914-1930.

Commencement : 17th December, 1914 ; *Gazette* 17th December, 1914, p. 1265.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th December, 1914, p. 1265.

Regulations : *Gazette* 6th November, 1930, p. 961 ; 28th May, 1931, p. 855.

The Real Property Act, 1886-1936.

Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 24th November, 1927, p. 1229 ; 30th August, 1934, p. 428.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval : *Gazette* 18th August, 1932, p. 273.

Regulations as to Mortlock Park : *Gazette* 2nd November, 1933, p. 931.

Regulations as to the Norwood Oval : *Gazette* 19th January, 1933, p. 70.

Regulations as to the Unley Oval : *Gazette* 15th June, 1933, p. 1007.

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement : 20th December, 1935 ; *Gazette* 19th December, 1935, p. 1445.

Registration of Business Names Act, 1928-1932.

Commencement : 1st October, 1928 ; *Gazette* 27th September, 1928, p. 686.

Regulations : *Gazette* 27th September, 1928, p. 688.

Registration of Deeds Act, 1935.

Rules : *Gazette* 13th February, 1919, p. 325.

Registration of Dogs Act, 1924-1929.

Administration : Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.

s. 6. Proclamations : *Gazette* 30th March, 1933, p. 520 ; 27th April, 1933, p. 657 ; 18th January, 1934, p. 77 ; 13th June, 1935, p. 1511 ; 20th February, 1936, p. 442 ; 26th March, 1936, p. 689 ; 8th April, 1937, p. 745.

Regulations : *Gazette* 22nd January, 1925, p. 100 ; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Commissioner of Public Works *Gazette* 25th March, 1937, p. 643.

By-laws : *Gazette* 15th November, 1923, p. 1177 ; 24th July, 1930, p. 180.

River Murray Waters Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
Regulations as to the use of surplus water : *Gazette* 23rd August, 1917, p. 481.
Notice as to records to be kept of water diverted from the River Murray : *Gazette* 22nd November, 1917, p. 1144.
Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown : *Gazette* 23rd March, 1922, p. 933.
River Murray traffic regulations : *Gazette* 24th September, 1936, p. 646.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

Road and Railway Transport Act, 1930-1935.

Administration : Committed to the Minister of Railways *Gazette* 12th March, 1931, p. 471.
Regulations as to the interception of vehicles and the use of discs issued to the holders of licences : *Gazette* 18th May, 1933, p. 826 ; 10th September, 1936, p. 491.
Regulations as to tickets and waybills : *Gazette* 13th July, 1933, p. 47 ; 10th January, 1935, p. 265.
Regulations under section 15 : *Gazette* 23rd May, 1935, p. 1383.

Roads (Opening and Closing) Act, 1932-1936.

Regulations : *Gazette* 30th March, 1933, p. 521.

Road Traffic Act, 1934-1938.

Commencement of the Road Traffic Act, 1934 (except section 110) : 2nd January, 1935 ; *Gazette* 20th December, 1934, p. 1217.
Commencement of section 110 of the Road Traffic Act, 1934 : 1st March, 1935 ; *Gazette* 20th December, 1934, p. 1217.
Commencement of the Road Traffic Act Amendment Act, 1936 (except sections 153 and 154) : 1st April, 1937 ; *Gazette* 18th March, 1937, p. 585.
Commencement of section 153 of the Road Traffic Act Amendment Act, 1936 : 3rd December, 1936 ; *Gazette* 3rd December, 1936, p. 1193.
Commencement of section 154 of the Road Traffic Act Amendment Act, 1936 : 1st December, 1937 ; *Gazette* 18th November, 1937, p. 1345.
Administration of Parts I., II., and III. : Committed to the Treasurer *Gazette* 20th December, 1934, p. 1217.
Administration of Parts IV. and V. : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1217.
Administration of Parts IIA. and VI. : Committed to the Treasurer *Gazette* 18th March, 1937, p. 586.
Administration of Part VII. : Committed to the Minister of Local Government *Gazette* 18th March, 1937, p. 586.
s. 10. Proclamations : *Gazette* 2nd October, 1930, p. 662 ; 21st April, 1932, p. 696 ; 6th October, 1932, p. 686 ; 24th May, 1934, p. 1282 ; 20th December, 1934, p. 1219 ; 2nd May, 1935, p. 1225 ; 23rd May, 1935, p. 1383 ; 30th April 1936, p. 933 ; 4th June, 1936, p. 1133 ; 6th August, 1936, p. 207 ; 19th November, 1936, p. 1111 ; 8th April, 1937, p. 745 ; 29th April, 1937, p. 945 ; 16th September, 1937, p. 697.
s. 71. Proclamations : 27th January, 1938, p. 165 ; 10th February, 1938, p. 293.
s. 130a. Notices : *Gazette* 26th January, 1939, p. 315 ; 9th February, 1939, p. 378 ; 2nd March, 1939, p. 553 ; 9th March, 1939, p. 590.
s. 143. Proclamation : *Gazette* 18th March, 1937, p. 586.
(For details of this proclamation see the footnote in Volume 7, p. 443 of the South Australian Statutes, 1837-1936.)
General regulations : *Gazette* 2nd June, 1938, p. 1189.
Regulations as to stop signs : *Gazette* 23rd March, 1939, p. 674.
Rules of Local Court as to appeals under section 32 : *Gazette* 4th March, 1937, p. 484.

Sale of Fruit Act, 1915-1935.

Regulations : *Gazette* 3rd December, 1936, p. 1195.

Sale of Goods Act, 1895-1937.

s. 57a. Commencement : 1st July, 1938 : *Gazette* 9th June, 1938, p. 1270.

Sandalwood Act, 1930-1936.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.
Regulations : *Gazette* 7th July, 1932, p. 2 ; 6th December, 1934, p. 1142.

Sand Drift Act, 1923-1935.

Commencement : 8th May, 1924 ; *Gazette* 8th May, 1924, p. 1057.
Administration : Committed to the Minister of Local Government *Gazette* 24th January, 1924, p. 151.
s. 28. Proclamations : *Gazette* 14th October, 1926, p. 922 ; 24th February, 1927, p. 397 ; 5th January, 1928, p. 2 ; 23rd May, 1929, p. 1051 ; 13th August, 1931, p. 253 ; 19th September, 1935, p. 637 ; 10th October, 1935, p. 754 ; 26th January, 1939, p. 246.
(For details of proclamations made prior to 25th January, 1939, see the footnote in Volume 7, p. 517 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 19th January, 1928, p. 91.

Scaffolding Inspection Act, 1934.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 642.

School of Mines and Industries Act, 1892-1934.

Commencement : 1st February, 1893 ; *Gazette* 19th January, 1893, p. 96.
s. 8. Proclamation : *Gazette* 7th January, 1935, p. 407.
Rules and regulations : *Gazette* 29th September, 1927, p. 893.

Second-hand Dealers Act, 1919-1934.

Commencement : 12th August, 1920 ; *Gazette* 12th August, 1920, p. 315.
Administration : Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.
Regulations : *Gazette* 26th March, 1936, p. 705 ; 26th May, 1938, p. 1151 ; 23rd June, 1938, p. 1533.

The Settled Estates Act, 1880.

Rules of Court : *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1936.

s. 79. Proclamation : *Gazette* 27th May, 1926, p. 1365.
Regulations : *Gazette* 15th August, 1935, p. 359.
Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers: *Gazette* 20th September, 1934, p. 596.

Shearers Accommodation Act, 1922-1925.

Administration : Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.

South Australian Housing Trust Act, 1936-1937.

Administration : Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936-1938.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

By-laws—

1. General by-laws governing passengers and public—By-law A : *Gazette* 16th August, 1906, p. 355 ; by-law D : *Gazette* 24th June, 1920, p. 1487.
2. Unauthorised crossings—By-law E : *Gazette* 5th March, 1931, p. 419.
3. Removal of goods from railway premises—By-law F : *Gazette* 7th January, 1932, p. 20.
4. Tickets covering combined services—By-law G : *Gazette* 12th July, 1934, p. 42.
5. Conduct of passengers—By-law H : *Gazette* 17th February, 1938, p. 359.
6. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226 : *Gazette* 9th March, 1934, p. 541 ; by-law 229 (livestock) : *Gazette* 25th April, 1935, p. 1198 ; by-law 232 (crude oil, kerosene, and motor spirit) : *Gazette* 18th June, 1936, p. 1212 ; by-law 234 (barrier traffic) : *Gazette* 7th October, 1937, p. 917.
7. Passenger rates and conditions—By-law 228 : *Gazette* 4th January, 1935, p. 41 ; by-law 233 : *Gazette* 16th September, 1937, p. 704.
8. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230 : *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties, &c., of staff—Regulation No. 56 : *Gazette* 2nd November, 1922, p. 990 ; regulation No. 86 : *Gazette* 28th March, 1929, p. 652 ; regulation No. 88 : *Gazette* 27th June, 1929, p. 1495 ; regulation No. 90 : *Gazette* 23rd January, 1930, p. 139 ; regulation No. 105 : *Gazette* 7th March, 1935, p. 688 ; regulation No. 108 : *Gazette* 30th May, 1935, p. 1439.

South Australian Railways Commissioner's Act, 1936-1938—*continued.*

Regulations—*continued*—

2. Locomotive workshop rules—Regulation No. 89 : *Gazette* 21st November, 1929, p. 1125
3. Branches of railway service—Regulation No. 99 : *Gazette* 14th January, 1932, p. 32.
4. Classification of officers—Regulation No. 111 : *Gazette* 24th September, 1936, p. 643 ; regulation No. 114 : *Gazette* 14th October, 1937, p. 1029 ; regulation No. 115 : *Gazette* 14th October, 1937, p. 1030 ; regulation No. 116 : *Gazette* 25th November, 1937, p. 1438.
5. Home stations and travelling allowances—Regulation No. 65 : *Gazette* 21st August, 1924, p. 469 ; regulation No. 67 : *Gazette* 11th September, 1924, p. 658.
6. Transfers—Regulation No. 66 : *Gazette* 11th September, 1924, p. 658.
7. Leave of absence, holidays, sick leave, hours of duty—Regulation No. 68 : *Gazette* 20th November, 1924, p. 1338 ; regulation No. 69 : *Gazette* 23rd July, 1925, p. 182 ; regulation No. 118 : *Gazette* 3rd November, 1938, p. 1182.
8. Injuries, sickness, and medical standards—Regulation No. 107 : *Gazette* 18th April, 1935, p. 1142.
9. Clothing and equipment—Regulation No. 91 : *Gazette* 28th August, 1930, p. 410,
10. The Railways Institute—Regulation No. 79 : *Gazette* 28th July, 1927, p. 218 ; regulation No. 84 : *Gazette* 8th March, 1928, p. 509 ; regulation No. 101 : *Gazette* 25th February, 1932, p. 381.
11. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253.
12. The Railway Officers Classification Board : *Gazette* 19th January, 1939, p. 239.

South-Eastern Drainage Act, 1931-1935.

Commencement : 1st January, 1932 ; *Gazette* 17th December, 1931, p. 1115.

Administration : Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.

Rules of Court as to appeals under section 53 or section 96 : *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1938.

Regulations : *Gazette* 24th July, 1924, p. 169.

The Standard Time Act, 1898.

Commencement : 1st May, 1899 ; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1936.

Commencement : 1st February, 1926 ; *Gazette* 28th January, 1926, p. 151.

Administration : Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.

Regulations : *Gazette* 21st November, 1929, p. 1137.

Steam Boilers and Enginedrivers Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.

Regulations relating to the examination of boilers : *Gazette* 11th February, 1932, p. 257 ; 12th March, 1936, p. 593.

Regulations relating to the Enginedrivers' Board and examinations : *Gazette* 2nd April, 1925, p. 578 ; 23rd September, 1937, p. 765.

Stock and Poultry Diseases Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.

s. 5 (1). Notice under definition of " stock " : *Gazette* 27th May, 1937, p. 1211.

s. 6. Proclamations : *Gazette* 4th March, 1926, p. 686 ; 5th April, 1928, p. 725 ; 20th September, 1928, p. 629 ; 15th December, 1932, p. 1143 ; 3rd June, 1937, p. 1254 ; 29th July, 1937, p. 257 ; 31st March, 1938, p. 703.

s. 29 (2). Notice : *Gazette* 6th February, 1936, p. 303.

s. 30. Notice : *Gazette* 6th February, 1936, p. 303.

(For details of notices and proclamations made prior to 30th March, 1938, under sections 5, 6, 29, and 30, see the footnotes in Volume 8, pp. 41, 42, and 50 of the South Australian Statutes, 1837-1936.)

General regulations : *Gazette* 19th April, 1900, p. 939 ; 25th May, 1922, p. 1337 ; 8th February, 1934, p. 253.

Regulations as to the introduction of stock and fodder for the prevention of anthrax : *Gazette* 30th July, 1903, p. 175.

Regulations relating to swine : *Gazette* 3rd December, 1903, p. 1115.

Regulations relating to returns of sheep dipped : *Gazette* 8th December, 1927, p. 1515.

Regulations relating to stickfast flea : *Gazette* 24th March, 1938, p. 663.

Stock Licks Act, 1931.

Commencement : 3rd April, 1932 ; *Gazette* 17th March, 1932, p. 511.
Administration : Committed to the Minister of Agriculture *Gazette* 31st December, 1931, p. 1227.
Regulations ; *Gazette* 17th March, 1932, p. 513.

Subdivided Land Debts Act, 1932-1934.

s. 8. Notice : *Gazette* 26th January, 1933, p. 111.
Regulations : *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1936.

s. 6. Proclamations : *Gazette* 2nd July, 1925, p. 1 ; 16th June, 1932, p. 1067 ; 23rd January, 1936, p. 208.
(For details of proclamations see the footnote in Volume 8, p. 93 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 16th November, 1893, p. 1209 ; 20th October, 1898, p. 987 ; 26th August, 1920, p. 457 ; 20th November, 1930, p. 1027 ; 16th March, 1933, p. 444 ; 26th October, 1933, p. 900.
Regulation under the Fees Regulation Act, 1912, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form : *Gazette* 3rd December, 1931, p. 1033.

Superannuation Act, 1926-1938.

Commencement : 22nd December, 1926 ; *Gazette* 23rd December, 1926, p. 1565.
Administration : Committed to the Treasurer *Gazette* 23rd December, 1926, p. 1565.
s. 3. Notice of " appointed day " : *Gazette* 24th February, 1927, p. 400.
s. 23. Notice : *Gazette* 24th February, 1927, p. 400.
Regulations : *Gazette* 16th June, 1927, p. 1306 ; 20th December, 1928, p. 1293 ; 10th September, 1931, p. 430.
Rules of Court : *Gazette* 12th May, 1932, p. 869.

Supreme Court Act, 1935-1936.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 52. Proclamations : *Gazette* 21st March, 1878, p. 620 ; 14th July, 1881, p. 92 ; 3rd March, 1892, p. 527 ; 21st January, 1897, p. 92.
(For details of proclamations see the footnote in Volume 8, p. 185 of the South Australian Statutes, 1837-1936.)
Rules of Court—
Actions and other proceedings in the Court : Rules of Court, 1913, dated 10th December, 1913 ; amending rules dated 27th September, 1924. These rules are not published in the *Gazette*. Rules of Court, 1937 : *Gazette* 4th November, 1937, p. 1205.
Administration and probate : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265.
Administration of Justice Act, 1922—Procedure : Rules dated 25th October, 1922. Not published in the *Gazette*.
Adoption of Children Act, 1925—Procedure : Rules dated 23rd December, 1926. Not published in the *Gazette*.
Companies Act, 1892—Petitions for reduction of capital : *Gazette* 4th January, 1894, p. 3.
Companies Act, 1892—Winding-up : Schedule VII. to the Companies Act, 1892. Amending rules *Gazette* 4th May, 1893, p. 1007.
Compulsory Acquisition of Land Act, 1925—Procedure : *Gazette* 10th May, 1928, p. 968.
Costs—Increase : *Gazette* 7th October, 1920, p. 953 ; 1st October, 1931, p. 622 ; 17th June, 1937, p. 1312.
Criminal appeals : Dated 1st September, 1925. Not published in the *Gazette*.
Criminal sittings : *Gazette* 4th August, 1932, p. 191.
Crown practice : English rules of Hilary Term, 1844, kept alive by 8/1867, s. 28.
Dentists Act, 1931—Appeals : *Gazette* 4th August, 1932, p. 183.
Equitable proceedings : Rules at the end of Equity Act, 1866-7. [Probably superseded by subsequent Acts and rules.]
Evidence on Commission Act, 1857 (Imp.) : *Gazette* 20th February, 1908, p. 313.
Foreign tribunals—Service of citation and process : *Gazette* 23rd August, 1923, p. 418.
Guardianship of Infants Act, 1887—Procedure : *Gazette* 1st May, 1890, p. 1215.
Harbors Act, 1913—Appeals and other proceedings : *Gazette* 19th April, 1917, p. 639.
Industrial and Provident Societies Act, 1924—Appeals : *Gazette* 2nd October, 1924, p. 830.
Inebriates Act, 1908—Applications : *Gazette* 26th October, 1911, p. 864.
Justices Act, 1921—Appeals : *Gazette* 22nd September, 1938, p. 776.

Supreme Court Act, 1935-1936—*continued.*

Rules of Court—*continued*—

Law Society Act, 1915—Procedure of Statutory Committee : *Gazette* 9th November, 1916, p. 943.

Legal Practitioners—Admission : *Gazette* 19th November, 1925, p. 1359 ; 27th August, 1936, p. 357.

Legal practitioners—Trust accounts : *Gazette* 12th March, 1931, p. 496 ; 4th June, 1931, p. 926.

Local Courts Act, 1926—Appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.

Maintenance Orders (Facilities for Enforcement) Acts, 1922 and 1925 : *Gazette* 16th February, 1928, p. 316.

Master's jurisdiction : *Gazette* 30th May, 1929, p. 1106.

Matrimonial Causes Act, 1929 : Rules in the second schedule to the Matrimonial Causes Act, 1929. Amendments *Gazette* 5th December, 1935, p. 1349.

Mental Defectives Act, 1913—Applications : *Gazette* 3rd September, 1914, p. 585. [Rules made under the Lunatics Act, 1864, on 3rd September, 1869, and 10th August, 1875, may also be applied in any case where the court or judge so orders.]

Probate and letters of administration : see administration and probate.

Revenue jurisdiction : Schedule to Act, 7, 1867.

Service and Execution of Process Act, 1901-1934 (Commonwealth) : *Gazette* 19th April, 1917, p. 646 ; 4th November, 1937, p. 1247.

Settled Estates Act, 1880—Procedure : *Gazette* 5th April, 1883, p. 1174.

Sheriff's rules : *Gazette* 4th November, 1937, p. 1234.

Suitor's funds : *Gazette* 4th November, 1937, p. 1236.

Superannuation Act, 1926—Appeals : Dated 26th August, 1930. Not published in the *Gazette*.

Testators Family Maintenance Act, 1918—Applications : Dated 27th May, 1922. Not published in the *Gazette*.

Trustee Act, 1936 : *Gazette* 4th November, 1937, p. 1225.

Vice-Admiralty Jurisdiction : Order-in-council dated 23rd August, 1883 (not published in the *Gazette*), kept alive by the (Imperial) Colonial Courts of Admiralty Act, 1890.

Workmen's Compensation Act, 1932—Appeals : *Gazette* 4th November, 1937, p. 1229.

Surveyors Act, 1935.

Commencement : 26th March, 1936 ; *Gazette* 26th March, 1936, p. 689.

Regulations : *Gazette* 26th March, 1936, p. 708.

Regulation under the Fees Regulation Act, 1927, relating to the fee payable for the publication of a list of licensed surveyors : *Gazette* 11th November, 1937, p. 1307.

Swine Compensation Act, 1936.

Commencement : 1st March, 1937 ; *Gazette* 24th December, 1936, p. 1321.

Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1322.

Regulations : *Gazette* 25th February, 1937, p. 431.

Technical Education of Apprentices Act, 1917-1934.

Administration : Committed to the Minister of Education *Gazette* 7th February, 1918, p. 232.

s. 3. Proclamations : *Gazette* 29th May, 1919, p. 951 ; 12th January, 1922, p. 41.

s. 5. Proclamations : *Gazette* 29th May, 1919, p. 953 ; 28th October, 1920, p. 1125 ; 21st July, 1921, p. 99.

Regulations : *Gazette* 18th July, 1918, p. 94.

Testator's Family Maintenance Act, 1918.

Rules of Court were made 27th May, 1922, but have not been published in the *Gazette*.

Tobacco Industry Protection Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th February, 1935, p. 591.

Regulations : *Gazette* 28th February, 1935, p. 592 ; 2nd May, 1935, p. 1225.

Town Planning Act, 1929.

Commencement : 15th January, 1930 ; *Gazette* 16th January, 1930, p. 69.

Administration : Committed to the Attorney-General *Gazette* 20th February, 1930, p. 369.

Regulations : *Gazette* 13th March, 1930, p. 526 ; 15th December, 1938, p. 1502.

The Travelling Stock Waybills Act, 1911-1936.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd June, 1937, p. 1254.

Trespassing on Land Act, 1928.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1928, p. 1277.

s. 2. Proclamation : *Gazette* 20th December, 1928, p. 1278.

(For details of proclamation see the footnote in Volume 8, p. 295 of the South Australian Statutes, 1837-1936.)

Trustee Act, 1936.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.

s. 5 (1) (*f*). Proclamations : *Gazette* 21st June, 1894, p. 1381 ; 8th February, 1900, p. 228 ; 21st February, 1901, p. 367 ; 6th October, 1904, p. 635 ; 7th June, 1906, p. 996 ; 1st June, 1911, p. 1071 ; 21st May, 1914, p. 1105 ; 17th August, 1922, p. 333 ; 7th September, 1922, p. 545 ; 1st March, 1928, p. 453 ; 19th May, 1932, p. 899.

s. 5 (2). Proclamations : *Gazette* 15th May, 1902, p. 1025 ; 17th August, 1922, p. 333 ; 11th October, 1923, p. 834.

(For details of proclamations made under section 5, see the footnotes in Volume 8, pp. 306 and 307 of the South Australian Statutes, 1837-1936.)

Rules of Court : *Gazette* 4th November, 1937, p. 1225.

Unemployment Relief Council Act, 1930.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th May, 1933, p. 789.

Regulations : *Gazette* 9th July, 1931, p. 33 ; 12th November, 1936, p. 1066.

Use of Firearms Restriction Act, 1917-1934.

Administration : Committed to the Chief Secretary *Gazette* 20th December, 1917, p. 1319.

Vaccination Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Regulations : *Gazette* 17th May, 1894, p. 1112 ; 29th January, 1903, p. 186 ; 7th August, 1913, p. 301 ; 18th December, 1913, p. 1734.

Venereal Diseases Act, 1920-1935.

Commencement : At 3rd April, 1939, this Act had not been brought into operation.

Vermin Act, 1931-1938.

s. 20 (3). Notices : *Gazette* 13th December, 1923, p. 1395 ; 15th May, 1924, p. 1112 ; 20th November, 1924, p. 1370 ; 21st May, 1925, p. 974 ; 26th November, 1925, p. 1448 ; 27th May, 1926, p. 1393 ; 19th May, 1927, p. 1131 ; 24th November, 1927, p. 1284 ; 17th May, 1928, p. 1062 ; 15th May, 1930, p. 900 ; 22nd December, 1932, p. 1217 ; 18th May, 1933, p. 827 ; 21st December, 1933, p. 1243 ; 1st February, 1934, p. 196 ; 8th February, 1934, p. 256 ; 9th May, 1935, p. 1288 ; 16th May, 1935, p. 1312 ; 17th September, 1936, p. 604 ; 4th March, 1937, p. 482.

s. 23 (3). Notice : *Gazette* 9th May, 1935, p. 1288.

s. 43 (1). Notice : *Gazette* 9th May, 1935, p. 1288.

Regulations relating to making of loans, &c. : *Gazette* 1st April, 1926, p. 926 ; 27th January, 1927, p. 180.

Veterinary Surgeons Act, 1935-1938.

Commencement : 1st February, 1936 ; *Gazette* 16th January, 1936, p. 89.

Administration : Committed to the Minister of Agriculture *Gazette* 11th February, 1937, p. 286.

Regulations : *Gazette* 9th February, 1939, p. 389.

Vine, Fruit, and Vegetable Protection Act, 1885-1936.

ss. 3 and 4. Proclamations : *Gazette* 3rd December, 1885, p. 1407 ; 25th September, 1890, p. 781 ; 12th February, 1891, p. 450 ; 21st June, 1894, p. 1381 ; 7th March, 1895, p. 605 ; 12th May, 1898, p. 994 ; 11th May, 1905, p. 898 ; 18th April, 1907, p. 768 ; 2nd May, 1907, p. 837 ; 14th August, 1909, p. 365 ; 2nd February, 1911, p. 196 ; 11th July, 1912, p. 41 ; 6th August, 1914, p. 346 ; 6th August, 1914, p. 346 ; 31st October, 1918, p. 963 ; 1st September, 1921, p. 441 ; 17th March, 1927, p. 625 ; 15th September, 1927, p. 652 ; 8th October, 1931, p. 691 ; 21st April, 1932, p. 695 ; 22nd December, 1932, p. 1183 ; 27th July, 1933, p. 141 ; 3rd August, 1933, p. 197 ; 20th December, 1934, p. 1219 ; 7th March, 1935, p. 685 ; 12th December, 1935, p. 1390 ; 16th January, 1936, p. 89 ; 24th December, 1936, p. 1322 ; 7th April, 1938, p. 791.

(For details of proclamations made prior to 6th April, 1938, see the table of proclamations in Volume 8, pp. 532-533 of the South Australian Statutes, 1837-1936.)

War Funds Regulation Act, 1916-1935.

Regulations : *Gazette* 16th August, 1917, p. 417.

Water Conservation Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

s. 6. Proclamations : *Gazette* 20th January, 1927, p. 121 ; 8th August, 1929, p. 330 ; 6th February, 1930, p. 226 ; 23rd October, 1930, p. 834 ; 13th November, 1930, p. 986,

s. 53. Proclamations : *Gazette* 23rd April, 1931, p. 682 ; 7th May, 1931, p. 741 ; 7th May, 1931, p. 742 ; 21st May, 1931, p. 805 ; 11th June, 1931, p. 974 ; 25th June, 1931, p. 1045 ; 25th June, 1931, p. 1046 ; 25th June, 1931, p. 1048 ; 25th June, 1931, p. 1049 ; 25th June, 1931, p. 1050 ; 25th June, 1931, p. 1051 ; 2nd July, 1931, p. 1 ; 2nd July, 1931, p. 2 ; 16th July, 1931, p. 62 ; 16th July, 1931, p. 63 ; 16th July, 1931, p. 64 ; 30th July, 1931, p. 158 ; 30th July, 1931, p. 161 ; 6th August, 1931, p. 201 ; 21st July, 1932, p. 91 ; 20th October, 1932, p. 799 ; 5th January, 1933, p. 2 ; 24th August, 1933, p. 353 ; 16th November, 1933, p. 1003 ; 7th December, 1933, p. 1127 ; 7th December, 1933, p. 1128 ; 14th December, 1933, p. 1167 ; 25th January, 1934, p. 131 ; 22nd March, 1934, pp. 844-845 ; 14th June, 1934, p. 1433 ; 30th August, 1934, p. 426 ; 6th September, 1934, p. 478 ; 1st November, 1934, p. 886 ; 17th January, 1935, p. 292 ; 4th July, 1935, p. 2 ; 30th January, 1936, p. 270 ; 20th February, 1936, p. 442 ; 16th July, 1936, pp. 65-66 ; 8th October, 1936, p. 697 ; 3rd December, 1936, p. 1194 ; 22nd April, 1937, p. 850.

(For details of proclamations under sections 6 and 53, see the footnotes in Volume 8, pp. 551 and 567 of the South Australian Statutes, 1837-1936.)

By-laws and regulations : *Gazette* 2nd April, 1925, p. 583 ; 28th July, 1927, p. 242 ; 1st March, 1928, p. 457 ; 21st May, 1936, p. 1050.

Waterworks Act, 1932-1936.

s. 94. Proclamations : *Gazette* 1st June, 1922, p. 1393 ; 29th June, 1922, p. 1576 ; 29th May, 1924, p. 1208 ; 21st May, 1925, p. 946 ; 7th January, 1926, p. 1 ; 27th May, 1926, p. 1365 ; 16th December, 1926, p. 1510 ; 27th January, 1927, p. 177 ; 1st December, 1927, p. 1457 ; 10th May, 1928, p. 963 ; 29th November, 1928, p. 1138 ; 13th June, 1929, p. 1398 ; 17th July, 1930, p. 86 ; 26th February, 1931, p. 374 ; 10th September, 1936, p. 490 ; 19th November, 1936, p. 1110.

s. 102. Proclamations : *Gazette* 10th September, 1936, p. 490 ; 19th November, 1936, p. 1110.

s. 108. Proclamation : *Gazette* 31st October, 1895, p. 957.

s. 109. Proclamation : *Gazette* 17th September, 1936, p. 546.

By-laws : *Gazette* 25th May, 1933, p. 897 ; 13th July, 1933, p. 49.

Weights and Measures Act, 1934-1938.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 25th March, 1937 p. 643.

s. 8 (3). Notice : *Gazette* 27th January, 1938, p. 175.

Regulations relating to fees : *Gazette* 7th January, 1932, p. 2 ; 3rd May, 1934, p. 1142.

Regulations relating to the licensing of petrol pumps : *Gazette* 31st March, 1932, p. 612 (regulation 6 disallowed, *Gazette* 27th October, 1932, p. 842) ; 8th December, 1932, p. 1080 (regulation 6 disallowed, *Gazette* 23rd November, 1933, p. 1056) ; 3rd May, 1934, p. 1142.

General regulations : *Gazette* 23rd June, 1932, p. 1123 ; 8th December, 1932, p. 1080 ; 3rd May, 1934, p. 1142 ; 19th September, 1935, p. 638.

Regulations made under the Fees Regulation Act, 1927, relating to the fees payable for the testing of standard weights : *Gazette* 24th November, 1927, p. 1225 ; 12th July, 1928, p. 46.

Whaling Act, 1937.

Commencement : At 3rd April, 1939, this Act had not been brought into operation.

Wheat Products Prices Act, 1938.

Commencement : 5th December, 1938 : *Gazette* 3rd December, 1938, p. 1449.

s. 14. Proclamation : *Gazette* 5th January, 1939, p. 2.

Regulations : *Gazette* 26th January, 1939, p. 248.

Wild Dogs Act, 1931-1938.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st July, 1937, p. 2.

Wills Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

The Woods and Forests Act, 1882-1935.

Regulations for the management and administration of forest reserves : *Gazette* 12th April, 1883, p. 1255 ; 10th December, 1925, p. 1529.
Mineral regulations : *Gazette* 31st January, 1889, p. 215.
Regulations as to visitors to caves on forest reserves : *Gazette* 29th August, 1895, p. 463.
Regulations as to gold mining on forest lands : *Gazette* 26th November, 1903, p. 1083.
Regulations as to visitors on forest reserves : *Gazette* 10th February, 1916, p. 267.
Regulations as to conditions for leasing forest lands : *Gazette* 21st July, 1927, p. 123.

Workmen's Compensation Act, 1932-1938.

Commencement : 3rd May, 1933 ; *Gazette* 27th April, 1933, p. 657.
Administration : Committed to the Treasurer *Gazette* 26th January, 1939, p. 246.
s. 91. Proclamation : *Gazette* 14th July, 1938, p. 49.
General regulations : *Gazette* 4th May, 1933, p. 697.
Regulations as to compulsory insurance : *Gazette* 29th August, 1935, p. 513.
Rules of Local Court : *Gazette* 4th May, 1933, p. 723.
Rule of the Supreme Court as to appeals : *Gazette* 4th November, 1937, p. 1229.

The Workmen's Liens Act, 1893-1936.

Commencement : 27th January, 1894 ; *Gazette* 25th January, 1894, p. 173.
Regulations : *Gazette* 21st February, 1895, p. 453.

INDEX TO ACTS PASSED IN THE YEAR 1938

INDEX TO ACTS PASSED IN THE YEAR 1938

Abattoirs Act Amendment Act, 1938 (No. 2421, p. 190)
abattoir, establishment on land of council, 193, s. 10
expenses of establishing, 193, s. 11
registration of, 194, s. 14
revenue, application of, 193, s. 12
abattoirs area, proclamation of, 191, s. 4
application, of certain Acts, 190, s. 3
auditor, appointment of, etc., 192, ss. 8, 9
board, constitution of, 191, s. 4
board, meetings of, 192, s. 6
term of office of, 191, s. 5
by-products, disposal of, 194, s. 19
carcasses, inspection of, 195, s. 20
council, borrowing power to establish abattoir, 193, s. 11
may use land for abattoir, 193, s. 10
disease, definition of, 190, s. 2
diseased stock, disposal of, 194, s. 17
inspection of, 194, s. 18
export, stock slaughtered for, 194, s. 15
inspection fees, 194, s. 16
members, appointment of, 191, s. 4
term of office of, 191, s. 5
officers, appointment of, 192, s. 7
overdraft, amount of, 194, s. 13
public notice, definition of, 190, s. 2
regulations, 195, s. 21
revenue, application of, 193, s. 12
sinking fund, provision for, 193, s. 12
stock, carcasses, inspection of, 195, s. 20
diseased, 194, ss. 17, 18
slaughtered for export, 194, s. 15
vehicles, definition of, 190, s. 2

Agricultural College Act Amendment Act, 1938 (No. 2410, p. 112)
Commissioner of Agricultural Endowments, Minister of Agriculture to be, 112, s. 3
validation of past acts, 112, s. 4

Agricultural Graduates Land Settlement Act Amendment Act, 1938 (No. 2403, p. 82)
advances on uncleared land, power to make on all classes of land, 82, s. 2

Agricultural Seeds Act, 1938 (No. 2398, p. 51)
agricultural seeds, certified seeds schemes, regulations as to, 63, s. 26 (*p*)
definition of, 51, s. 3
exemptions from Act, 52, s. 4
forfeiture on conviction, 61, s. 25
imported into State, treatment of, 54, s. 8
inspection by inspectors, 55, s. 10
offence as to sample deemed to be as to lot, 57, s. 15
sale of, requirements on, 52-54, ss. 5, 6, 7
sale where statement does not comply with Act, 53, s. 6
analysis, admissibility in evidence, 60, s. 22
buyer's right to, 56, s. 12
certificate of, to be evidence, 59, s. 21
costs of, 57, s. 13
dealer's right to, 58, s. 16
definition of, 51, s. 3
sample for, 55, 57, ss. 11, 14
analyst, appointment, 55, s. 9
attendance at court, 60, s. 21 (2)
certificate to be evidence, 59, s. 21
certificate of, to be served with summons, 59, s. 20 (5)
definition of, 51, s. 3
evidence of appointment, 60, s. 23
offences relating to, 58, s. 17
protection of, 63, s. 27

Agricultural Seeds Act, 1938 (No. 2398, p. 51)—*continued.*

certified seeds, regulations as to, 63, s. 26 (*p*)
chief inspector, appointment of, 55, s. 9
definition of, 51, s. 3
civil remedies, saving of, 63, s. 28
commencement of Act, 51, s. 2
construction of Act, 63, s. 29
evidence, of analysis, 59, 60, ss. 21, 22
of appointment of analyst, inspector or officer, 60, s. 23
exemptions from Act, 52, s. 4
foreign seeds, definition of, 51, s. 3
in excess of prescribed proportion, etc., 54, s. 7
regulations as to, 61, s. 26
treatment of agricultural seeds containing, 58, s. 19
forfeiture of seeds on conviction, 61, s. 25
germinable proportion, regulations as to, 61, s. 26
statement of deficiency from prescribed proportion, 52, 54, ss. 5, 7
hard seeds, regulations as to, 61, s. 26
statement of proportion, 52, s. 5
impurities, definition of, 51, s. 3
in excess of prescribed proportion, etc., 54, s. 7
regulations as to, 61, s. 26
treatment of agricultural seeds, containing, 58, s. 19
inspector, appointment, evidence of, 60, s. 23
appointment of, 55, s. 9
definition of, 52, s. 3
offences relating to, 58, s. 17
powers of, 55, s. 10
protection of, 63, s. 27
invoice, particulars to be contained on sale of agricultural seeds, 52-54, ss. 5, 6, 7
label, particulars to be marked on sale of agricultural seeds, 52-54, ss. 5, 6, 7
noxious seeds, definition of, 52, s. 3
in excess of prescribed proportion, etc., 54, s. 7
mixed with seeds, 54, s. 7
regulations as to, 61, s. 26
treatment of agricultural seeds containing, 58, s. 19
noxious weeds, mixed with seeds, 54, s. 7
treatment of agricultural seeds containing, 58, s. 19
officer, appointment of, 55, s. 9
protection of, 63, s. 27
offences and penalties, actual offender, proceedings against, 60, s. 24
forfeiture of seeds on conviction, 61, s. 25
obstructing or interfering with inspector, etc., 58, s. 17
proceedings for, 59, s. 20
sale of agricultural seeds not complying with regulations, 54, s. 7
sale of agricultural seeds without label, etc., 53, s. 6
selling imported agricultural seeds not treated as prescribed, 54, s. 8
tampering with sample, etc., 58, s. 18
parcel, definition of, 52, s. 3
particulars to be marked on sale of agricultural seeds, 52-54, ss. 5, 6, 7
proceedings for offences, 59, s. 20
regulations, 61, s. 26
sample, offence as to deemed to be as to lot from which taken, 57, s. 15
procedure on taking, 55, s. 11
unit for, 57, s. 14
saving provision, 63, s. 28
seeds, *see* agricultural seeds
definition of, 52, s. 3
seller, exemption for breaches committed by employees, etc., 60, s. 24
name and address to be given on label, etc., 52, s. 5
warranty, implied on sale of agricultural seeds, 53, s. 5 (3)

Alberton Cemetery Act, 1938 (No. 2396, p. 44)

cemetery, power to convey to Port Adelaide Council, 44, s. 2
purposes for which may be held, 45, s. 4
Real Property Act title, issue of, 45, s. 5
schedule, 46
trusts, determination of, 44, s. 3

Animals and Birds Protection Act Amendment Act, 1938 (No. 2390, p. 19)

See the index to the Animals and Birds Protection Act, 1919-1938, on p. 649

Building Societies Act Amendment Act, 1938 (No. 2411, p. 114)
See the index to the Building Societies Act, 1881-1938, on p. 652

Business Agents Act, 1938 (No. 2420, p. 173)
accounts, furnishing by business agent to principal, 186, s. 32
regulations as to, 189, s. 41 (*c*1)
advertisement, relating to business agent, 185, s. 30
application, advertisement of, 176, s. 10
costs, 177, s. 15
deposit of bond or security, 178, s. 19
evidence of character and financial position, 177, s. 13
grant of licence by court, 177, s. 14
hearing of, 177, s. 12
making of, 176, s. 9
objection to, 176, s. 11
regulations as to, 189, s. 41 (*a*)
auctioneer, *see* licensed auctioneer
business, contract for sale of, requirements of, 188, s. 39
definition of, 173, s. 2
business agent, *see also* licensed business agent
accounts to be furnished to principal, 186, s. 32
agents and servants of, regulations as to, 189, s. 41 (*b*), (*c*)
appointment to be in writing, 188, s. 40
definition of, 173, s. 2
fees not recoverable unless licensed, 176, s. 8
to be licensed, 175, s. 7
trust moneys, duties with respect to, 185, s. 31
business agent's licence, advertisement of application, 176, s. 10
application for, method of, 176, s. 9 *see also* application
cancellation of, 182, s. 24
definition of, 174, s. 2
duplicate licence, 178, s. 17
duration of, 178, s. 16
fees on issue and transfer, 178, s. 18
objection to application, 176, s. 11
register of, 184, ss. 25, 26, 27
business salesman, regulations as to, 189, s. 41 (*b*), (*c*)
civil remedies, not affected, 187, s. 35
claims against business agent, payment of, 178, 181, ss. 19, 22
commencement of Act, 173, s. 1
commission. *See* fees
company, liability of, 187, s. 36
contract for sale of business, requirements of, 188, s. 39
costs, on application for licence, 177, s. 15
council, exemption of, 174, s. 3
Crown, exemption of, 174, s. 3
evidence, of issue of licence, 184, s. 27
on application, power of court to hear, 177, s. 13
executor, exemption of, 174, s. 4
exemptions from operation of Act, 174, 175, ss. 3, 4, 5
fees, not recoverable by unlicensed agent, 176, s. 8
not recoverable unless appointment as agent in writing, 188, s. 40
on issue and transfer of licence, 178, s. 18
regulations as to amounts recoverable and taxation, 189, s. 41 (*c*2)
fidelity bond, deposit of, 176, 178, ss. 9, 19
distribution of proceeds, 178, s. 19
inspection of, 182, s. 23
term of, 180, s. 20
termination of, 181, s. 21
licence, definition of, 174, s. 2, *see also* business agent's licence
licensed auctioneer, definition of, 174, s. 2
exemption of, 174, s. 4
licensed business agent, *see also* business agent
address of registered office to be notified, 185, s. 28
annual list to be published, 184, s. 27
definition of, 174, s. 2
employment of disqualified persons, 187, s. 34
inspection of books, etc., by officers, 186, s. 33
name to be displayed on place of business, 185, s. 29
liquidator, exemption of, 174, s. 4
merchant, wholesale, exemption of, 174, s. 4

Business Agents Act, 1938 (No. 2420, p. 173)—*continued.*
offences and penalties, account, failing to furnish to principal, 186, s. 32
advertisement, publishing without name and place of business, 185, s. 30
application, making incorrect statement in, 188, s. 37
business agent acting without licence, 175, s. 7
company, liability of, 187, s. 36
contravention of Act to be offence, 188, s. 38
employing disqualified person, 187, s. 34
fine, amount of where not otherwise specified, 188, s. 38
inspection of books, delaying or obstructing, etc., 186, s. 33
name, failing to display on office, 185, s. 29
proceedings for offences, 188, s. 38
registered office, failing to give notice of, 185, s. 28
trust moneys, failing properly to apply, 185, s. 31
office *see* registered office
person, definition of, 174, s. 2
proceedings for offences, 188, s. 38
proclamation, exempting persons from operation of Act, 175, s. 5
Public Trustee, exemption of, 174, s. 3
receiver, exemption of, 174, s. 4
registered office, agent to have, 185, s. 28
definition of, 174, s. 2
name to be displayed on, 185, s. 29
regulations, 189, s. 41
sale of business, requirements of contract relating to 188, s. 39
salesmen, regulations as to, 189, s. 41 (*b*) (*c*)
saving provisions, 175, 187, ss. 6. 35
security, deposit of, 176, 181, ss. 9. 22
distribution of proceeds, 181, s. 22
solicitor, exemption of, 174, s. 4
taxation, of commission, regulations as to, 189, s. 41 (*c*2)
trust moneys held by business agent, 185, s. 31
trustee, exemption of, 174, s. 4

Chaff and Hay Act Amendment Act, 1938 (No. 2384, p. 4)
chaff, moisture content of, 4, s. 2
regulations, as to methods of determining moisture content of chaff, 4, s. 3

Community Hotels (Incorporation) Act, 1938 (No. 2407, p. 93)
Associations Incorporation Act, 1929-1935, incorporation of community hotels under, 93, s. 3
validation of incorporation of hotels under, 93, s. 2
Barmera Hotel Incorporated, application of section 118 of Licensing Act, 1932-1936 to, [94, s. 4 (2)
borrowing powers of, 93, s. 4
validation of incorporation of, 93, s. 2
Berri Hotel Incorporated, application of section 85 of Licensing Act, 1932-1936, to, 94, s. 6
application of section 118 of Licensing Act, 1932-1936 to, 94, s. 4 (2)
borrowing powers of, 93, s. 4
validation of incorporation of, 93, s. 2
Berri Irrigation Area, application of section 118 of Licensing Act, 1932-1936, to, 94, s. 5
community hotels, incorporation of, 93, s. 3
Licensing Act, 1932-1936, application of section 118 to Berri Irrigation Area, 94, s. 5
application of section 118 to Renmark, Barmera and Berri Hotels, 94, s. 4 (2)
Renmark Hotel Incorporated, application of section 118 of Licensing Act, 1932-1936, to, [94, s. 4 (2)
borrowing powers of, 93, s. 4
validation of incorporation of, 93, s. 2

Cornsacks Act, 1938 (No. 2412, p. 124)
assigned crops, exemption of, 126, s. 11
bill of sale, consent to creation of lien by grantee, 128, sched.
effect of if registered prior to memorandum, 126, s. 6
Bills of Sale Act, 1886-1935, incorporation with, 124, s. 2
consent of grantee under bill of sale, form of, 128, sched.
cornsacks, registration of charge to secure price of on sale, 125, s. 4
crop, definition of, 124, s. 3
discharge of memorandum, 126, s. 8
farmer, definition of, 124, s. 3
effect of filing of memorandum by, 125, s. 4
farmer's crop, definition of, 124, s. 3
fees, 126, s. 7
index of memoranda, 126, s. 7

Cornsacks Act, 1938 (No. 2412, p. 124)—*continued.*

lien, creation of, 125, s. 4
effect of, 126, s. 5
prior bill of sale or memorandum, 126, s. 6

memorandum, definition of, 124, s. 3
discharge of, 126, s. 8
effect of, 125, s. 4 (2)
exemption from stamp duty, 126, s. 10
filing false, 127, s. 12
filing, method of, 126, s. 7,
filing of, 125, s. 4 (1)
form of, 128, sched.
index, 124, s. 7
non-application to certain assigned crops, 126, s. 11
time within which must be filed, 124, s. 9
transfer of, 126, s. 8

operation of Act, 126, s. 9

price, definition of, 125, s. 3

preferential lien *see* lien

schedule, 128

seller, definition of, 125, s. 3
rights of upon filing memorandum, 125, s. 4

stamp duty, exemption from, 126, s. 10

transfer of memorandum, 126, s. 8

Crown Lands Act Amendment Act, 1938 (No. 2408, p. 95)

Commissioner, power to make contracts for clearing of land, 97, s. 3

Crown land, allotment of cleared and prepared land, 96, s. 3
arrangements for clearing and preparing, 95, s. 3

Dairy Produce Act Amendment Act, 1938 (No. 2393, p. 39)

Dairy Produce Act, 1934-1937, extension of, 39, s. 3

Dried Fruits Act Amendment Act, 1938 (No. 2415, p. 136)

administration costs, how contributed, 136, s. 4

appeal from decision of board as to registration, 138, s. 7

board, appeal from decision of as to registration, 138, s. 7
expenses of, 136, s. 4
term of office of, 136, s. 3

dealer, registration of, 137, s. 5

Dried Fruits Act, 1934, removal of limitation of operation of, 139, s. 11

offences, penalty for continuing, 139, s. 9
time for proceedings for, 139, s. 10

packing house, registration of, 137, s. 6

regulations, 139, s. 8

Farmers Assistance (Extension) Act, 1938 (No. 2418, p. 170)

Farmers Assistance Act, 1933-1936, extension of time for applications under Part III, extension of time for applications under Part IV., 170, s. 3 [170, s. 2

Fire Brigades Act Amendment Act, 1938 (No. 2389, p. 17)

annual estimate of expenditure, notice to councils, 17, s. 2
preparation of, 18, s. 3

Fisheries Act Amendment Act, 1938 (No. 2391, p. 29)

See the index to the Fisheries Act, 1917-1938, on p. 656

Fisheries Act Amendment Act (No. 2), 1938 (No. 2419, p. 171)

See the index to the Fisheries Act, 1917-1938, on p. 656

Friendly Societies Act Amendment Act, 1938 (No. 2425, p. 233)

rules, duty to make, with regard to national insurance scheme, 233, s. 3

Highways Act Amendment Act, 1938 (No. 2388, p. 14)

district roads, expenditure of loan moneys upon, 16, s. 6
payment for from Highways Fund, 16, s. 4
Highways Fund, constitution and application of, 14, s. 3
loan moneys, expenditure upon district roads, 16, s. 6
Local Government Act, 1934-1936, amendment of, 16, s. 7
local government grants, payment of from Highways Fund, 16, ss. 4, 7
Main Roads Fund, merger of into Highways Fund, 14, 16, ss. 3, 5
motor taxation, payment of into Highways Fund, 14, s. 3

Impounding Act Amendment Act, 1938 (No. 2413, p. 129)

fees, poundage, alteration of, 131, s. 8
undertaking to pay, 130, s. 5
variation of, 129, s. 4
cattle, to travel five miles a day, 130, s. 6
depasturing on roads, limitation of powers of councils, 130, s. 7
nearest public pound, definition of, 129, s. 2
impounding of cattle in, 129, s. 3
poundage fees, alteration of, 131, s. 8
roads, limitation of granting of depasturing and cultivation licences, 130, s. 7

Income Tax (Rates) Act, 1938 (No. 2401, p. 74)

administrators, income tax rates payable by, 77, s. 8 (2)
assessments to which income tax rates apply, 74, s. 3
basic wage earner, exemption of from tax, 78, s. 10
brothers, income tax rates of taxpayers supporting, 76, s. 6 (2)
companies, income tax rates payable by, 77, s. 9 (1)
executors, income tax rates payable by, 77, s. 8 (2)
exemption from tax of basic wage earner with spouse and dependent child, 78, s. 10
income tax rates, to what assessments applicable, 74, s. 3
interest paid by companies, to non-residents, income tax rates on, 77, s. 9 (2)
male divorced person without children, special income tax rates for, 75, s. 6
minimum income tax, 78, s. 11
parents, income tax rates of taxpayers supporting, 76, s. 6 (2)
personal exertion, income tax rates on income derived from, 75, s. 4
personal exertion and property, income tax rates on income derived from, 77, s, 7
property, income tax rates on income derived from, 75, s. 5
property and personal exertion, income tax rates on income derived from, 77, s. 7
returned soldiers, sailors, and nurses, exemptions as to income tax rates of, 75, s. 6
sisters, income tax rates of taxpayers supporting, 76, s. 6 (2)
trustees, income tax rates payable by, 77, s. 8 (1)
unmarried persons, special income tax rates for, 75, s. 6
widowers without children, special income tax rates for, 75, s. 6

Legal Practitioners Act Amendment Act, 1938 (No. 2404, p. 83)

law library, payments to Law Society for, 83, s. 3

Loans for Fencing and Water Piping Act, 1938 (No. 2409, p. 98)

application for loan, declaration supporting, 100, s. 7
notice to mortgagee or remainderman, 100, s. 8
terms of, 99, s. 6
arrears, capitalization of, 106, s. 19
bank, definition of, 98, s. 4
erection of fencing and water piping by, on default by owner, 108, s. 24
fencing material or water piping may be removed by, 106, s. 17
fixed rate to be fixed by, 106, s. 18
loans may be made by, 99, s. 5
charge, apportionment of, 101, s. 14
apportionment of, indorsement on register book, 103, s. 13
fees for indorsement, 101, s. 13 (7)
indorsement of upon register book, 103, s. 13
loan to be upon land, 102, s. 12
prior mortgage, priority of, 102, s. 12 (4)
removal of, indorsement on register book, 103, s. 13
transfer, of 101, s. 15
commencement of Act, 98, s. 2
council, past advances to, provision for, 106-107, ss. 21, 22
Crown lease or agreement, reverting to the Crown, 104, s. 16
declaration supporting application, 100, s. 7
district council, past advances to, provision for, 106-107, ss. 21, 22
dog-proof fence, special provision for in pastoral lease, 101, s. 10

Loans for Fencing and Water Piping Act, 1938 (No. 2409, p. 98)—*continued.*
evidence of moneys owing, 109, s. 27
fees, bank may fix certain, 106, s. 20
fencing material, application for loan for, 99, s. 6
definition of, 98, s. 4
erection by bank on default by owner, 108, s. 24
removal by bank, 106, s. 17
supply on granting of loan, 101, s. 9
fixed rate, bank to fix, 106, s. 18
chargeable upon loan, 101, s. 11
definition of, 98, s. 4
inspection fees, 106, s. 20
life estate, procedure on application for loan by proprietor of, 100, s. 8
loan, apportionment of, 101, s. 14
capitalization of arrears, 106, s. 19
charged upon land, 102, s. 12 *see also* charge
Crown lease or agreement reverting to Crown, 104, s. 16
evidence of moneys owing, 109, s. 27
fixed rate chargeable upon, 101, s. 11
granting of by bank, 101, s. 9
notice to mortgagee or remainderman, 100, s. 8
power of sale upon default, 103, s. 13
provision for, 99, s. 5
repayment of, 101, s. 11
transfer to other land, 104, s. 15
Loans for Fencing and Water Piping Act, 1930, past advances under, provision for, 106-108,
repeal of, 98, s. 3 [ss. 21-23
memorial of charge, apportionment and removal, 103, s. 13
mortgage, definition of, 98, s. 4
mortgagee, consent of to application for loan, 100, s. 8
definition of, 99, s. 4
notice of application for loan to, 100, s. 8
overdue instalments may be paid by, 103, s. 12 (5)
protection of security of, 102, s. 12 (4)
notice, service of, 108, s. 25
offences and penalties, advance, improperly expending, 109, s. 29
false statement in declaration, 100, s. 7
fencing material, improperly using, 109, s. 29
notice to repair fence or water piping, etc., failing to comply with, 109, s. 28
notice under section 9, failing to comply with, 109, s. 29
proceedings for, 110, s. 30
owner, application by for loan, 99, s. 6
definition of, 99, s. 4
pastoral leases, special provision on granting of loan, 101, s. 10
proceedings for offences, 110, s. 30
register book, indorsement of charge apportionment, and removal upon, 103, s. 13
register of Crown leases, indorsement of charge, apportionment, and removal upon, 103, s.
regulations, 109, s. 26 [13
remainderman, consent of to application for loan, 100, s. 8
notice of application for loan to, 100, s. 8
repealing provision, 98, s. 3
sale, power of bank on default, 103, s. 13
schedule of amendments to Vermin Act, 1931-1936, 111
State Bank of South Australia *see* bank
Vermin Act, 1931-1936, amendment of, 98, 111, s. 3 and sched.
past advances under, provision for, 106-108, ss. 21-23
vermin board, past advances to, provision for, 106-107, ss. 21, 22
vermin-proof fence, special provision for in pastoral lease, 101, s. 10
water piping, application for loan for, 99, s. 6
laying down by bank on default by owner, 108, s. 24
removal by bank, 106, s. 17
supply on granting of loan, 101, s. 9

Local Government Act Amendment Act, 1938 (No. 2424, p. 201)
Adelaide City Council, borrowing powers of, 230, s. 103
cost of construction of private streets and roads by, 215, ss. 54, 55
deposits by candidates at elections, 203, 206, ss. 13, 23
alderman, disqualification of, 202, s. 6
qualifications for, 202, 204, ss. 4, 5, 14
resignation of, 202, s. 7
retirement of, 203, s. 9
amendments (verbal) of Act, 231, 232, s. 109, sched.

Local Government Act Amendment Act, 1938 (No. 2424, p. 201)—*continued.*
annual statement, form of, 214, s. 46
appeal, against assessment, 211, ss. 35, 36
appeal board for clerks, 207, s. 26
assessment, appeals against, 211, ss. 35, 36
basis of, 210, 211, ss. 30, 31
certificate of proper making, 209, 231, ss. 27, 108
exemption, partial, of showgrounds, 210, s. 28
husband to be deemed occupier where wife owner in certain cases, 210, s. 29
land value, payment of fee to Commissioner of Taxes for certificate, 211, s. 32
time for making and approving or adopting, 210, s. 27
valuator to be appointed, 209, s. 27
auditor, appointment of on failure by council to appoint, 203, s. 10
bacteriolytic tanks, provision for, 221, s. 72
barrier, erection of on street or road, 226, s. 90
by-law, copy of, 230, s. 104
evidence of, 225, s. 87
general power to make, 224, 225, ss. 79-83
resolution applying, evidence of, 225, s. 87
cemetery, conveyance of to council, 224, s. 77
setting apart of portions for religious denominations, 224, s. 78
Central Board of Health, powers of, 224, s. 76
Clerks Appeal Board, 207, s. 26
company, nomination to voters' roll, 203, s. 12
poll, voting right at, 228, s. 95 (*g*)
cost of work, evidence of, 225, s. 88
council, annual statement, form of, 214, s. 46
banking of moneys with Savings Bank of South Australia, 213, s. 41
expenditure of revenue by, 213, 214, ss. 42, 43, 44
hall, power to construct, 218, s. 69
meeting of, after election, 202, s. 8
place of, 207, s. 24
voting rights of person presiding, 207, s. 25
trust property, powers as to, 218, s. 68
ward revenue, repeal of provision relating to allocation of, 214, s. 45
councillor, disqualification of, 202, s. 6
qualifications for, 202, 204, ss. 4, 5, 14
resignation of, 202, s. 7
retirement of on re-division of area, 202, s. 3
crossing place, cost of construction, etc., 215, s. 53
election, company's nominees on voters' roll, 203, s. 12
deposits by candidates in City of Adelaide, 203, 206, ss. 13, 23
nomination form, 204, s. 14 (2)
occupier's right to vote if rent paid in certain circumstances, 206, s. 18
payment of rates before exercising voting right, 203, 205, ss. 11, 17
polling places in municipalities, 204, s. 15
postal voting, *see* postal voting
proceedings to test, 225, s. 86
scrutiny, persons who may be present at, 206, ss. 19, 20
supplementary, time for holding, 206, s. 22
voters' roll in certain district council districts, 203, s. 11
voting paper, destruction of, 206, s. 21
form of, 230, s. 106 (1)
voting rights of joint owners and occupiers at, 204, s. 16
exchange, of reserve, 219, s. 71
fence, erection of on street or road, 226, s. 90
footway, forming, paving, etc., at owner's request, 215, s. 52
paving of, 214, ss. 50, 51
Government assessment, payment of fee for certificate of alteration, 211, s. 32
grass, inflammable, by-laws as to, 224, s. 79
hall, power of council to construct, 218, s. 69
hawking, in streets, etc., 218, s. 67
hospital, extension of, 222, s. 75
husband, deemed in certain cases to be occupier when wife is owner, 210, s. 29
joint owners and occupiers, voting rights of at elections, 204, s. 16
voting rights of at polls, 227, s. 95
lane, removal of refuse from, 222, s. 74
land values poll, majority necessary to carry poll for land values system to cease to operate, requisites to demand, 211, s. 33 [211, s. 34
loan, poll for, requisites to defeat, 219, s. 70
mayor, disqualification of, 202, s. 6
qualification for, 202, 204, ss. 4, 5, 14
resignation of, 202, s. 7.

Local Government Act Amendment Act, 1938 (No. 2424, p. 201)—*continued.*

maternity home, extension of, 222, s. 75
mining, in public street or road, 218, s. 65
monuments, power of council to expend revenue on, 214, s. 44
mortgagee in possession, liability for rates, 213, ss. 39, 40
notice, form of, 225, s. 85
service of on council, 225, s. 84
occupier, husband of owner wife deemed to be in certain cases, 210, s. 29
voting rights of joint, 204, 227, ss. 16, 95
officer of council, penalty for impersonating, 226, s. 89
owner, definition of, 201, s. 2
rates, liability for, where mortgagee in possession, 213, ss. 39, 40
voting rights of joint, 204, 227, ss. 16, 95
pension fund, district councils' power to contribute to, 214, s. 43
poll, extension of time for, 229, s. 99
land value rating, majority necessary to carry poll for land value system to cease to
requisites to demand poll on, 211, s. 33 [operate, 211, s. 34
loan, requisites to defeat, 219, s. 70
postal voting *see* postal voting
rate, for, number of ratepayers who may demand, 212, s. 37
requisites to demand, 226, s. 91
scrutiny, persons who may be present at, 229, ss. 96, 97
time for holding, 226, s. 92
voting papers, destruction of, 229, s. 98
form of, 230, s. 106 (2)
voting rights, of company at, 228, s. 95 (*g*)
of joint owners and occupiers at, 227, s. 95
payment of rates, etc., 227, ss. 93, 94
polling place, for municipal elections, 204, s. 15
postal voting, application, form of, 230, s. 107
authorised witness, duty of, 229, s. 101
returning officer and clerk to be, 230, s. 102
how witnessed, 229, s. 100
voting paper, form of, 230, s. 107
private street or road, barrier or fence, erection on, 226, s. 90
construction or repair outside City of Adelaide, 215, s. 57
cost of construction, in City of Adelaide, 215, ss. 54, 55
cost of construction outside City of Adelaide, 215, s. 56
footway, paving of, 215, s. 52
right to use of after payment for forming, etc., 217, s. 59
trees, etc., growing in, 217, s. 61
waste water permitted to flow on, 222, s. 73
public street or road, barrier or fence, erection on, 226, s. 90
cost of construction of, 214, s. 49
footway, paving of, 214, 215, ss. 50, 51, 52
mining upon, 218, s. 65
possession not to confer title against council, 214, s. 47
raised or lowered, liability of council in respect of, 217, s. 58
removal from register of public streets, 214, s. 48
right to use of after payment for forming, etc., 217, s. 59
safety zones and stalls, construction on, 217, s. 60
stands for vehicles plying for hire, 218, s. 66
telegraph or telephone line on, 217, ss. 62, 63
trees, etc., growing in, 217, s. 61
waste water permitted to flow on, 222, s. 73
water pipe in, 218, s. 64
rate, minimum, 212, s. 38
mortgagee in possession, liability for, 213, ss. 39, 40
poll for, number of ratepayers who may demand, 212, s. 37
refuse, removal from lanes, etc., 222, s. 74
register of public streets, removal of street or road from, 214, s. 48
repealing provisions, 230, s. 105
reserve, exchange of, 219, s. 71
returned soldiers fund, council may contribute to, 213, s. 42
road *see* public street or road : private street or road
rubbish tip, by-laws as to, 224, s. 80
safety zones, construction of in street, 217, s. 60
Savings Bank of South Australia, power of council to bank with, 213, s. 41

Local Government Act Amendment Act, 1938 (No. 2424, p. 201)—*continued.*
scrutiny, persons who may be present at, 206, 229, ss. 19, 20, 96, 97
septic tanks, provision for, 221, s. 72
show grounds, partial exemption from rating, 210, s. 28
stall, construction of in street, 217, s. 60
statuary, power of council to expend revenue on, 214, s. 44
street *see* public street or road : private street or road
supplementary election, time for holding, 206, s. 22
telegraph or telephone line, in public street or road, 217, ss. 62, 63
traffic on streets and roads, by-laws as to, 224, ss. 81, 82
trees, etc., growing in streets and roads, 217, s. 61
trust property, powers of council as to, 218, s. 68
valuator, appointment of, 209, s. 27
declaration by, 209, 231, ss. 27, 108
vehicles plying for hire, stands for, 218, s. 66
verandah, by-laws as to, 225, s. 83
voting paper, destruction of, 206, 229, ss. 21, 98
form of, 230, s. 106
ward revenue, repeal of provision relating to allocation of, 214, s. 45
waste water, on street or road, 222, s. 73
water pipe, in public street or road, 218, s. 64
work, evidence of cost of, 225, s. 88

Lottery and Gaming Act Amendment Act, 1938 (No. 2394, p. 40)
See the index to the Lottery and Gaming Act, 1936-1938, on p. 659

Lottery and Gaming Act Amendment Act (No. 2), 1938 (No. 2417, p. 159)
See the index to the Lottery and Gaming Act, 1936-1938, on p. 659

Lower River Broughton Irrigation Trust Act, 1938 (No. 2426, p. 235)
agent, liability for penalty, etc., 259, s. 95
appeal against assessment, costs, 257, s. 84
court to which made, 256, s. 80
from trust to local court, 257, s. 83
grounds for, 256, s. 79
hearing of, 256, s. 80
notice of, when to trust, 257, s. 81 (4)
procedure on hearing, 257, s. 82
time for, 256, s. 81
aqueduct, free passage through land to be given for, 248, s. 51
assessment, adoption of previous, 255, s. 74
appeals against, *see* appeal against assessment
assessor to make, 254, s. 73
book or record, 254, s. 71
errors and omissions in, rectification of, 255, s. 77
form of 254, s. 71
names, insertion in, 255, s. 76
removal from, 255, s. 75
notice of, 255, s. 78
ratable value, definition of 254, s. 70
pending making first assessment, provision for, 254, s. 72
rectification in of errors and omissions, 255, s. 77
assessor, appointment and powers of, 254, s. 73
attorney, liability for penalty, etc., 259, s. 95
voting rights of, 264, s. 116
auditor, proceedings to try validity of office, 240, 241, ss. 20-25
banking account, of trust, 245, s. 43
by-laws, power of trust to make, 246, s. 45
chairman, appointment, qualification, retirement, etc., 237-240, ss. 9-18
authority to carry out decision of trust, 243, s. 36 (2)
definition of, 236, s. 4
proceedings to try validity of office, 240, 241, ss. 20-25
vacancy in office, effect of, 243, s. 34
channel, free passage through land to be given for, 248, s. 51
claim, power of trust to compound, 245, s. 42
commencement of Act, 235, s. 2
committee of trust, appointment and control of, 243, s. 38
minutes of, 244, s. 39
evidence of, 244, s. 40
common seal, 237, s. 6
Compulsory Acquisition of Land Act, 1925, incorporation with, 247, s. 48 (2)

Lower River Broughton Irrigation Trust Act, 1938 (No. 2426, p. 235)—*continued.*

contracts, by trust, 245, s. 41
Crown, preservation of rights of, 271, s. 142
deputy-returning officer, appointment of 263, s. 111
general powers of, 267, s. 127
voting right of not limited by office, 267, s. 124 (2)
district, definition of, 236, s. 4
proclamation of, 237, s. 7
document, authentication of, 242, s. 28
drain, free passage through land to be given for, 248, s. 51
election, *see also* election and poll
bribery and corruption, 268, s. 128
acts of agent to be, 268, s. 130
disqualification for, 268, s. 129
penalty for, 269, s. 131
expenses not recoverable, 269, s. 134
failure of, proceedings upon, 261, s. 107
failure of trust to hold, 262, s. 110
nomination day, proceedings on, 261, s. 105
nomination of candidates, 261, s. 102
place and time of, 261, s. 103
requirements of, 261, s. 104
notice of time of, 261, s. 106
notice to person elected, 262, s. 109
supplementary, 262, s. 108
election and poll, *see also* election
attorney, voting rights of, 264, s. 116
ballot-box, 266, s. 123
extension of time for, 269, s. 135 (2)
formal defects not to invalidate, 269, s. 135 (1)
hours of voting, 263, s. 112
polling booths, 263, s. 114
polling places, 263, s. 112
persons permitted in, 265, s. 120
questions to voters, 265, s. 121
rates, payment of before voting, 267, s. 126
returning officer and deputy, appointment of, 263, s. 111
general powers of, 267, s. 127
scrutineers, 263, s. 113
scrutiny, 266, s. 124
voting improperly, 266, s. 122
voting, mode of, 264, 265, ss. 118, 119
voting papers, destruction of, 267, s. 125
form of, 264, s. 117
issue of, 264, s. 116
voting rights of ratepayers, 263, s. 115
entry, into land, power of trust, chairman, member or officer, 246, ss. 44, 49
land, acquisition of by agreement or compulsorily, 247, s. 48
free passage to be given through, for channel, etc., 248, s. 51
power of entry into, 246, ss. 44, 49
sale for non-payment of rates, 259, s. 94
landholder, definition of, 236, s. 4
petition by for construction of works *see* petition
licence, to divert water, 247, s. 49
loan, notice of, 260, s. 98
poll on, 260, s. 99
power of trust, 259, s. 96
security for, 260, s. 97
Lower River Broughton Irrigation District *see* district
Lower River Broughton Irrigation Trust *see* trust
meeting of trust, minutes of, 244, s. 39
evidence of, 244, s. 40
notice for, 242, s. 31
ordinary, 242, s. 29
quorum, 242, s. 32
special, 242, ss. 29, 30
who to preside and voting power, 242, s. 33
meeting of ratepayers, calling of, 260, s. 100
voting at, 260, s. 101

Lower River Broughton Irrigation Trust Act, 1938 (No. 2426, p. 235)—*continued.*

member, absence or death of, 243, s. 36 (1)
definition of, 236, s. 4
notice of election, 262, s. 109
number, qualifications, retirement, etc., 237-240, ss. 9-18
proceedings to try validity of office, 240-241, ss. 20-25
vacancy in office, effect of, 243, s. 34
minutes, of meeting, 244, s. 39
evidence, of, 244, s. 40
money, of trust, to be banked, 245, s. 43
notice, service of, 270, s. 141
occupier, rates, liability for, 258, s. 89
to give free passage through land for channel, etc., 248, s. 51
offences and penalties, assessor, refusing to answer questions put by or making false answers, [etc., to, 254, s. 73
auditor, acting when disqualified, 240, s. 19
bribery and corruption, 269, s. 131
chairman, acting when disqualified, 240, s. 19
false statement, making upon examination, 270, s. 137
general penalty, 270, s. 139
impersonating voter, 266, s. 122
member, acting when disqualified, 240, s. 19
obstructing chairman, member or officer, 270, s. 136
penalty not to bar other action, 270, s. 140
proceedings for, 270, s. 138
voters falsely answering questions, 265, s. 121
voting or abstaining from voting for reward, 269, s. 132
voting twice at election or poll, 266, s. 122
water, diverting from River Broughton without licence, 247, s. 49
office, of trust, 241, s. 26
officer, appointment of, 242, s. 27
owner, definition of, 236, s. 4
rates, liability for, 258, 259, ss. 89, 92
to give free passage through land for channel, etc., 248, s. 51
petition, apportionment of cost, preliminary, 250, 273, s. 60, second sched.
adjustment of, 251, s. 63
final apportionment, 251, s. 64
notice thereof, 252, 273, s. 65, fourth sched.
objections to preliminary, 251, 273, ss. 61, 62, third sched.
notice of election, 262, s. 109
approval by trust, 249, s. 55
construction of works upon, 249, s. 57
cost of works, apportionment of costs, 250-252, ss. 60-65
apportionment of cost on subdivision of land, 253, s. 69
lessee's liability to contribute, 252, s. 68
notice of, 250, s. 59
payable by landholders, 250, s. 58
repayment by landholders, 252, s. 66
sale of land to recover, 252, s. 67
form of, 248, 272, s. 53, first sched.
landholders may present for construction of works, 248, s. 52
objection to, 249, s. 56
preliminary inquiry, 249, s. 54
pipe, free passage through land to given for, 248, s. 51
poll, *see* election and poll
proceedings, for offences, 270, s. 138
penalty not to bar civil action, 270, s. 140
to try validity of office, 240, 241, ss. 20-25
proclamation, in case of doubt or difficulty, 271, s. 143
of districts and wards, 237, ss. 7, 8
public notice, definition of, 236, s. 4
quorum, of trust, 242, s. 32
ratable land, definition of, 236, s. 4
ratable value, definition of, 254, s. 70
rate, agent's liability for, 259, s. 95
attorney's liability for, 259, s. 95
definition of, 236, s. 4
entries of, to be made in assessment book, 258, s. 87
fine on overdue, 258, s. 91
notice to occupiers, 258, s. 88
payment of before exercising of voting rights, 267, s. 126
pending making of first assessment, 258, s. 86
persons liable for, 258, 259, ss. 89, 92

Lower River Broughton Irrigation Trust Act, 1938 (No. 2426, p. 235)—*continued.*

purposes for which may be levied, 257, s. 85
recovery of, 259, ss. 93, 94
sale of land for non-payment, 259, s. 94
trustee's liability for, 259, s. 95
when recoverable, 258, s. 90

ratepayer, definition of, 236, s. 4
owner and occupier deemed to be before making of first assessment, 254, s. 72
voting rights at elections and polls, 263, s. 115

resolution of trust, revocation of, 243, s. 37

returning officer, appointment, of, 263, s. 111
general powers of, 267, s. 127
voting rights, restriction of, 267, s. 124 (2)

River Broughton, definition of, 236, s. 4

saving, of Crown rights, 271, s. 142

seal, of trust, 237, s. 6

secretary, absence or death of, 243, s. 36 (1)
appointment of, 242, s. 27
definition of, 236, s. 4

servants, appointment of, 242, s. 27

trust, body corporate, to be, 236, s. 5
borrowing powers, 259, 260, ss. 96-99
claims, power to compound, 245, s. 42
committee of, 243, s. 38
constitution of, 236, s. 5
contracts by, 245, s. 41
definition of, 236, s. 4
execution of documents, etc., 242, s. 28
licence to divert water, may be granted by, 247, s. 49
meetings of *see* meeting of trust
membership of, 237-240, ss. 9-18
office, 241, s. 26
petition, procedure under, 248-253, ss. 52-69
resolution, revocation of, 243, s. 37
validity of proceedings, 243, s. 35

trustee, liability for penalty, etc., 259, s. 95

vacancy in office of chairman or member, effect of, 243, s. 34

ward, proclamation of, 237, s. 8

water, free channel to be given through land for passage of, 248, s. 51
licence to divert may be granted by trust, 247, s. 49
ownership vested in trust, 247, s. 46
regulation and control of, by trust, 248, s. 50
restriction on diversion of, 247, s. 49

works, construction upon petition *see* petition
definition of, 236, s. 4
power of trust to construct, 247, s. 47

Matrimonial Causes Act Amendment Act, 1938 (No. 2428, p. 278)

desertion, grounds of divorce upon, 278, s. 3 (1)

maintenance, grounds of divorce for failure to pay, 278, s. 3 (1)
provision for when divorce granted upon separation decree or order, 278, s. 3 (1)

separation order or decree, grounds of divorce upon, 278, s. 3 (1)
order for divorce, form of, 279, s. 3 (2)

Noxious Weeds Act Amendment Act, 1938 (No. 2395, p. 41)

authorised officer, powers of, 41, s. 2

complaint, time within which must be laid, 43, s. 8

council, destruction by of noxious weeds on roads, 41, s. 3
payment of subsidies to, 41, s. 4
power to declare simultaneous destruction of noxious weeds, 42, ss. 5, 7

Crown lands, payment of subsidies for destruction of noxious weeds on, 41, s. 4

owners and occupiers, liability to destroy noxious weeds on adjoining roads, 42, s. 6

roads, destruction of noxious weeds on, by council, 41, s. 3
liability of adjoining owners and occupiers to destroy noxious weeds, 42, s. 6

simultaneous destruction of noxious weeds, 42, ss. 5, 7

Nurses Registration Act Amendment Act, 1938 (No. 2405, p. 85)

nurse's cap, wearing of by unregistered persons, 86, s. 3
nursing, certificates for special courses in, 85, s. 2
schools for training in special branch of nursing, 85, s. 2
regulations as to training in special branches of nursing, 86, s. 4

Police Act Amendment Act, 1938 (No. 2399, p. 64)

council, abolition of payment of police moieties by, 64, ss. 2, 3
fines, allocation where conviction obtained on police report, 66, s. 4
local government offences, regulations as to procedure, 65, s. 4
police moiety, abolition of and repeal of provisions relating to, 64, ss. 2, 3
police reports, allocation of fines imposed as the result of, 66, s. 4
regulations as to procedure in minor local government offences, 65, s. 4

Public Purposes Loan Act, 1938 (No. 2386, p. 7)

advances by the Treasurer for purpose for which money may be borrowed, 8, s. 6
application of moneys borrowed, 7, s, 4
authority to borrow, £800,000, 7, s. 3
expenses of borrowing, charging of, 8, s. 7
power to borrow to recoup, 8, s. 7
financial agreement, definition of, 7, s. 2
repaid loan moneys, application of, 8, s. 8
entries of, 8, s. 9
salaries, paid out of moneys borrowed, to be submitted to Parliament, 7, s. 5
schedules, 9-11

Public Service Act Amendment Act, 1938 (No. 2423, p. 199)

classification, validation of, 199, s. 2
long service leave, provision for, 200, s. 3 (1)
pension rights, of officers on long service leave, 200, s. 3 (2)

Road Traffic Act Amendment Act, 1938 (No. 2416, p. 140)

See the index to the Road Traffic Act, 1934-1938, on p. 663

South Australian Railways Commissioner's Act Amendment Act, 1938 (No. 2400, p. 67)

award, duration of, 73, s. 3
effect of, 73, s. 3
powers of board as to, 70-73, s. 3
classification of officers, 70, s. 3
deputy members of board, 69, s. 3
evidence before board, 73, s. 3
expenditure of board, 70, s. 3
frivolous applications to board, 73, s. 3
members of board, appointment and election of, 67-69, s. 3
officers, classification of, 70, s. 3
Railways Officers Classification Board, constitution of, 67-69, s. 3
regulations, 73, s. 3
representation before board, 72, s. 3
saving provision, 73, s. 3
secretary of board, 70, s. 3
witnesses, power of board as to, 71, s. 3

The Spicer Cottages Trust Act Amendment Act, 1938 (Private Act, p. 280)

commencement, 281, s. 4
surplus income, power to apply in purchase of cottages or in payment of rent, etc., 281, s. 3

Stamp Duties Act Amendment Act, 1938 (No. 2387, p. 12)

bill of exchange, reduction of stamp duty on, 13, s. 4
cheque, reduction of stamp duty on, 13, s. 4
order, reduction of stamp duty on, 13, s. 4
" walk in walk out " sales of agricultural land, stamp duty on, 12, s. 3

Superannuation Act Amendment Act, 1938 (No. 2422, p. 196)

contributor, provision where becoming insured person under national insurance scheme, [196, s. 3
employee, joining service, who is insured person under national insurance scheme, 197, s. 3

Surplus Revenue Act, 1938 (No. 2402, p. 79)

Cellulose (Australia) Limited, disposal of shares taken up by Treasurer, 81, s. 5
memorandum and articles, approval by Governor, 81, s. 4 (3)
restriction on charging assets, etc., 80, s. 4 (1)
restriction on selling undertaking, etc., 81, s. 4 (2)
Treasurer may underwrite shares in, 79, s. 3
Public Finance Act, 1936, non-application of, 79, s. 3
shares, Treasurer may underwrite shares in Cellulose (Australia) Limited, 79, s. 3
surplus for 1937-1938, disposal of balance not used for underwriting shares, 81, s. 6
power to apply in underwriting certain shares, 79, s. 3

Veterinary Surgeons Act Amendment Act, 1938 (No. 2414, p. 132)

board, constitution of, 132, 133, ss. 2, 3
commencement of Act, 135, s. 7
exemptions from Act, 135, s. 6
permit to treat animals, holder not to hold out as veterinary surgeon, etc., 134, s. 5 (2)
issue, renewal and revocation, 133, s. 4
regulations, 135, s. 5 (3)
transitional provisions, 135, s. 7

Weights and Measures Act Amendment Act, 1938 (No. 2383, p. 3)

bread, exemption of, when sold from vehicle, etc., 3, s. 2

Wild Dogs Act Amendment Act, 1938 (No. 2392, p. 37)

authorised person, district of, 38, s. 5
duties of, 38, s. 7
district, of person authorised to receive tails and scalps, 38, s. 5
payments for wild dogs, application for, 38, s. 6
discretion of Treasurer, 38, s. 8
when not fully grown, 37, s. 4
wild dog, definition of, 37, s. 3
payment for when not fully grown, 37, s. 4

Wheat Product Prices Act, 1938 (No. 2406, p. 87)

bran prices, return of to be furnished, 90, s. 13
chairman of committee, 88, 89, ss. 5-10
commencement of Act, 87, s. 2
committee, constitution of, 88, 89, ss. 5-10
co-operation of with Commonwealth and other State authorities, 89, s. 11
definition of, 88, s. 3 (1)
Commonwealth authorities, co-operation of committee with, 89, s. 11
construction of Act, 88, s. 3 (2)
flour, alteration of definition by proclamation, 88, s. 4
definition of, 87, s. 3 (1)
maximum price may be fixed, 90, s. 14
minimum price may be fixed, 90, s. 14
price on sale to include any tax, 92, s. 16
selling above maximum price, 91, s. 15
selling below minimum price, 91, s. 15
substance may be declared to be by proclamation, 88, s. 4
flour miller *see* miller
flour prices, return of to be furnished, 90, s. 13
miller, registration of, 89, s. 12
disqualification from holding registration, 91, s. 15
selling flour above maximum or below minimum price, 91, s. 15
offences and penalties, flour miller carrying on business without registration, 89, s. 12
flour, selling above maximum or below minimum price, 91, s. 15
proceedings for, 92, s. 18
returns, failing to supply, 90, s. 13
pollard prices, return of to be furnished, 90, s. 13
proceedings for offences, 92, s. 18
proclamation, altering definition of flour, 88, s. 4
fixing minimum and maximum price of flour, 90, s. 14
quorum of committee, 89, s. 10
regulations, 92, s. 17
stamp duty, exemption of declaration from, 92, s. 19
tax on flour, to be included in price on sale, 92, s. 16
ton, definition of, 88, s. 3 (1)
wheat prices, return of to be furnished, 90, s. 13
Wheat Products Prices Committee *see* committee

Workmen's Compensation Act Amendment Act, 1938 (No. 2427, p. 274)
compensation, amount of, 275, s. 3
schemes for payment of, 275, s. 3
to whom payable, 275, s. 3
dependants, interpretation of, 275, s. 3
insurance, exemption when scheme applies, 277, s. 3
scheme for compensation, contents of, 276, s. 3
disallowance by Parliament, 277, s. 3
provision for, 275, s. 3
variation of, 277, s. 3
silicosis, definition of, 274, s. 3

INDEX TO ACTS REPRINTED PURSUANT TO THE AMENDMENTS INCORPORATION ACT, 1937

INDEX TO ACTS REPRINTED PURSUANT TO THE AMENDMENTS INCORPORATION ACT, 1937.

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (p. 285)

aboriginal, exemption of, 297, s. 20 (1) (*a*)
  exemption from gun licence provisions, 299, s. 23
  regulations as to curtailment of privileges, 298, s. 21
animal, definition of, 285, s. 3. *See* animal and bird
animal and bird, aboriginal may take, 297, s. 20 (1) (*a*)
  domestic pet, may be kept as, 297, s. 20 (1) (*b*)
  forfeiture to Crown if illegally taken, 292, s. 13
  partly protected, 287, 303, s. 6 (2), third sched.
    authority to take for protection of property, 297, 298, 299, ss. 20 (2) (3), 25 (1a)
    bag limit may be fixed, 288, s. 8 (1) (*e*)
    close season for, 288, ss. 7 (2), 8 (1) (*b*)
    inclusion in partly protected list, 288, s. 8 (1) (*a*)
    offences relating to, 294, s. 14
    presumption as to time of taking, 296, s. 15
    removal of protection for specified time and place, 188, s. 8 (1) (*b*1)
    transfer to wholly protected or unprotected list, 288, s. 8 (1) (*a*), (*a*1), (*a*2)
  permits to take, etc. *See* permit
  prohibited, 289, s. 8 (1) (*g*)
    offences relating to, 294, s. 14
  royalty upon. *See* royalty
  unprotected, 287, 305, s. 6 (3), fourth sched.
    inclusion in unprotected list, 288, s. 8 (1) (*a*)
    transfer to partly protected list or to be wholly protected, 288, s. 8 (1) (*a*),
  wholly protected, 287, s. 6 (1) [(*a*1), (*a*2)
    authority to take for protection of property, 297, 298, 299, ss. 20 (2) (3), 25 (1a)
    close season for, 288, s. 7
    offences relating to, 294, s. 14
    removal of protection for specified time and place, 288, s. 8 (1) (*b*1)
    transfer to partly protected or unprotected list, 288, s. 8 (1) (*a*)
    within closed area to be, 289, s. 9 (1)
apprehension, powers of inspector of, 291, s. 12
application of Act, 287, s. 4
  area within which Act or specified provisions not to apply, 288, s. 8 (*c*)
artificial light, use for taking opossum prohibited, 296, s. 16
bag limit, exceeding, 294, s. 14 (1) (*b*)
  may be fixed, 288, s. 8 (1) (*e*)
bird. *See* animal and bird
buy, definition of, 287, s. 3
carcass, definition of, 286, s. 3
  forfeiture to Crown, 292, s. 13
  offences relating to, 294, s. 14
  presumption as to time of taking, 296, s. 15
  royalty on. *See* royalty
  sale when taken on authority of chief inspector, 298, s. 20 (3)
Chief inspector, authority from to take protected animal or bird for protection of property,
  Chief Inspector of Fisheries to be, 287, s. 5 (1) [297, s. 20 (2)
close season, definition of, 286, s. 3
  for ducks, 289, s. 8a
  for partly protected animals and birds, 288, 303, s. 7 (2), third sched.
    proclamation of, 288, s. 8 (1) (*b*)
  for wholly protected animals and birds, 288, s. 7 (1)
  for quail, 289, s. 8a
closed area, animal and bird within to be wholly protected, 289, s. 9 (1)
  definition of, 286, s. 3
  dog found upon may be destroyed, 289, s. 9 (2)
  land or waters may be declared to be, 288, s. 8 (1) (*d*)
  offences relating to, 294, s. 14
collector of royalty. *See* royalty
Coorong, scaring away birds from waters and soaks in, 296, s. 17
Crown lands, definition of, 286, s. 3
  may be declared closed area, 288, s. 8 (1) (*d*)

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (p. 285)—*continued.*

damage to property, protected animals and birds committing damage may be authorized to be destroyed, 297, 298, 299, ss. 20 (2) (3), 25 (1a)
day, definition of, 286, s. 3
dealer's licence, issue of, 293, s. 13d. *See also* licence
device, definition of, 286, s. 3
may be declared illegal, 289, s. 8 (1) (*f*)
district council district, application of penalties for offences committed within, 302, s. 34
dog, destruction of if found in closed area, 289, s. 9 (2)
presence of to be *prima facie* evidence of certain offences, 297, s. 19 (3)
domestic pet, animal or bird may be kept as, 297, s. 20 (1) (*b*)
permit to take animal or bird for, 290, s. 10
ducks, close season for, 289, s. 8a.
eggs, aboriginal may take, 297, s. 20 (1) (*a*)
forfeiture to Crown, 292, s. 13
offences relating to, 294, s. 14
presumption as to time of taking, 296, s. 15
sale, when taken on authority of chief inspector, 298, s. 20 (3)
entry, power of inspector of, 291, s. 12
evidence, dog, presence of in certain cases, 297, s. 19 (3)
onus of proof of permission to enter land, 297, s. 19 (2)
onus of proof of issue of gun or game licence, 301, s. 28
possession of gun, etc., to be *prima facie* evidence in certain cases, 297, s. 19 (3)
presumption as to time of taking partly protected animal or bird, 296, s. 15
royalty, absence of brand evidence of non-payment, 293, s. 13c (2)
brand to be evidence of payments, 296, s. 14 (4)
onus of proof of payment, 293, s. 13c (3)
exemption, aboriginals, 297, 298, 299, ss. 20 (1), 21, 23
domestic pet, 297, s. 20 (1) (*b*)
landholders from obligation to take out gun licence, 299, s. 23
Public Library, Museum, and Art Gallery, 298, s. 22 (*d*)
Zoological Society, 298, s. 22 (*d*)
feathers, forfeiture to Crown, 292, s. 13
offences relating to, 294, s. 14
presumption as to time of taking, 296, s. 15
sale, when taken on authority of chief inspector, 298, s. 20 (3)
firearm. *See* gun : gun licence
forfeiture, of animal and bird, etc., illegally taken to Crown, 292, s. 13
of property, directions as to disposal of, 290, s. 11 (*b*)
game licence. *See also* licence
appointment of persons to issue, 290, s. 11 (*a*)
cancellation, by court on conviction, 301, s. 30
effect of, 300, s. 25 (2a), (2b), (2c)
holder deemed to hold gun licence, 300, s. 25 (2)
holder to carry and give name and address, 301, s. 31
issue of, 300, 301, ss. 26, 27
minor under age of 15 years not to hold, 301, s. 27
onus of proof of issue, 301, s. 28
production to court, 301, s. 29
revocation of, 291, s. 11 (*c*)
sale of skins, etc., by holder, exemption of, 299, s. 25
gun, definition of, 286, s. 3
possession of to be *prima facie* evidence of certain offences, 297, s. 19 (3)
gun licence. *See also* licence
aboriginal, exemption of, 299, s. 23
appointment of persons to issue, 290, s. 11 (*a*)
cancellation, by court on conviction, 301, s. 30
holder of game licence deemed to have, 300, s. 25 (2)
holder to carry and give name and address, 301, s. 31
issue of, 300, 301, ss. 26, 27
minor under age of 15 years not to hold, 301, s. 27
occupier of land, exemption of, 299, s. 23
onus of proof of issue, 301, s. 28
operation not effective on Sunday, 299, s. 24
persons using guns to have, 299, s. 23
production to court, 301, s. 29
revocation of, 291, s. 11 (*c*)
illegal device, may be declared, 289, s. 8 (1) (*f*)
offences relating to, 294, s. 14
inspector, actions against, time for, 302, s. 38
appointment of, 287, s. 5 (1)
definition of, 286, s. 3
dog found on closed area, may destroy, 289, s. 9 (2)

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (p. 285)—*continued.*

general powers of, 291, s. 12
police force members to be, 287, s. 5 (2)
seizure of animal and bird for non-payment of royalty, 293, s. 13b (3)

Lakes Alexandrina and Albert, scaring birds away from waters or soaks in, 296, s. 17

land, may be declared closed area, 288, s. 8 (1) (*d*)
trespassers upon may be required to give name and address if suspected of offence,

licence. *See also* dealer's licence ; game licence : gun licence [296, s. 18
cancellation of and partial refund of fee, 290, s. 11 (*b*1)
production to inspector, 291, s. 12

municipality, application of penalties for offences committed within, 302, s. 34

Museum, exemption of, 298, s. 22 (*d*)

net, possession to be *prima facie* evidence of certain offences, 297, s. 19 (3)

offences and penalties, address, refusing to give or giving false to owner of land, 297, s.
address, refusing to give when lawfully demanded, 295, s. 14 (1) (*h*) [19 (1) (*b*)
bag limit, exceeding, 294, s. 14 (1) (*b*)
buying protected animal or bird or carcass, etc., 294, s. 14 (1) (*d*)
closed area, entering upon with gun, net, trap, etc., 294, s. 14 (1) (*f*)
exporting or keeping for export, without consent, protected animal or bird or carcass,
forfeited property, refusing to deliver up, 295, s. 14 (1) (*i*) [etc., 294, s. 14 (1) (*e*)
game licensee, failing to carry licence or give name or address, 301, s. 31
gun, using unlicensed, 299, s. 23
gun or bore greater than No. 10, using, etc., 295, s. 14 (1) (*g*)
gun licensee, failing to carry licence or give name and address, 301, s. 31
having protected animal or bird or carcass, etc., in possession or control, 294, s. 14
illegal device, using for taking animal or bird, 295, s. 14 (1) (*k*) [(1) (*c*)
inspector, resisting, etc., 295, s. 14 (1) (*j*)
land, entering upon to take animal or bird without consent, 297, s. 19 (1) (*a*)
re-entering upon, 297, s. 19 (1) (*d*)
refusing to quit, 297, s. 19 (1) (*c*)
licence, refusing to produce, 295, s. 14 (1) (*h*)
name, refusing to give to or giving false to owner of land, 197, s. 19 (1) (*b*)
refusing to give when lawfully demanded, 295, s. 14 (1) (*h*)
opossum, taking with artificial light, 296, s. 16
permit, refusing to produce, 295, s. 15 (1) (*h*)
penalties, application of, 302, s. 34
where not specifically provided for, 302, s. 33
proceedings for, 302, s. 35
prohibited animal or bird, importing into the State, 295, s. 14 (1) (*l*)
protected animals and birds, penalties for offences with respect to, 302, s. 33
royalties, evading payment of, 293, s. 13c
scarecrow, erecting at water or soak on Coorong or near lakes, 296, s. 17
selling carcass or skin of partly protected animal or bird, 299, s. 25 (1a)
selling protected animal or bird or carcass, etc., 294, s. 14 (1) (*d*)
Sunday, shooting on, 299, s. 24
taking eggs of protected bird, 294, s. 14 (1) (*a*)
taking partly protected animal or bird, without game licence, 299, s. 25 (1)
taking protected animal or bird, 294, s. 14 (1) (*a*)

officer, appointment of, 287, s. 5 (1)

opossum, artificial light not to be used to take, 296, s. 16

permit, effect of, 298, s. 22
production to inspector, 291, s. 12
to breed protected animal or bird, 290, s. 10
to sell protected animal or bird, 290, s. 10
to take protected animal or bird, etc., 290, s. 10

pet. *See* domestic pet.

police force, member to be inspector *ex officio*, 285, s. 5 (2)

proceedings, against inspector, etc., time for, 302, s. 38
defences to, 295, 296, s. 14 (3) (4)
for offences, 302, s. 34

proclamations, revocation of certain, 303, s. 39

protected, definition of, 286, s. 3
partly protected animals and birds to be during close season, 288, s. 7 (2)
wholly protected animals and birds to be, 288, s. 7 (1)

Public Library, etc., exemption of, 298, s. 22 (*d*)

quail, close season for, 289, s. 8a

regulations, general, 302, s. 32
aboriginals' privileges, curtailment of, 298, s. 21
as to royalty, 294, s. 13e

ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (p. 285)—*continued.*

repealing provision, 285, 303, s. 2, first sched.
royalty, brand denoting payment, 292, s. 13b
brand to be evidence of payment, 296, s. 14 (4)
by whom payable, 292, s. 13a (3)
charging of, 292, s. 13a
collector of, appointment of, 292, s. 13b
seizure of animal and bird by, 293, s. 13b (3)
dealers, licensing of, 293, s. 13d
penalty for evading payment of, 293, s. 13c
rates of, 289, s. 8 (1) (*h*)
recovery of, 293, s. 13b (4)
regulations as to, 294, s. 13e
selling value, computation of, 292, s. 13a (2)
sale, definition of, 287, s. 3
scarecrow, at certain waters in Coorong and Lakes Alexandrina and Albert prohibited, 296
search, power of inspector of, 291, s. 12 [s. 17
sell, definition of, 287, s. 3
seizure, power of inspector of, 291, s. 12
skin, definition of, 286, s. 3
forfeiture to Crown, 292, s. 13
offences relating to, 294, s. 14
presumption as to time of taking, 296, s. 15
royalty on. *See* royalty
sale when taken on authority of chief inspector, 298, s. 20 (3)
soak, in Coorong or near Lakes Alexandrina or Albert, scarecrow forbidden, 296 s. 17
Sunday, effect of gun licence during, 299, s. 24
take, definition of, 286, s. 3
trap, possession to be *prima facie* evidence of certain offences, 297, s. 19 (3)
trespassers, to give names and addresses if suspected of offence, 296, s. 18
water in Coorong or near Lakes Alexandrina or Albert, scarecrows forbidden, 296, s. 17
waters, definition of, 287, s. 3
may be declared closed area, 288, s. 8 (1) (*d*)
Zoological Society, exemption of, 298, s. 22 (*d*)

THE BUILDING SOCIETIES ACT, 1881-1938 (p. 307)

accounts, inspection by registrar, 327, s. 36a
investigation of, 325, s. 36
advance to members. *See* loan
amalgamation, of societies, 330, s. 39
annual investigation of society guaranteed or indemnified by Treasurer, 333, s. 41c
annual report, by registrar, 334, s. 41d
annual statement and account of society, 322, 336, s. 35, fourth sched.
appeal, against order of registrar as to costs on investigation, 327, s. 36 (8)
Auctioneers Act, 1934, non-application of, 335, s. 44
audit, rules as to, 313, s. 13 x.
auditor, annual statement to be attested by, 322, s. 35
appointment of, 323, s. 35a
qualifications of, 323, s. 35a (2)
rules as to, 312, s. 13 vi.
bank, disclosure of society's account to registrar, 327, s. 36a
guarantee by Treasurer of loan by to society, 319, s. 27a
overdraft to society, 318, s. 27
bills of exchange, rules as to, 312, s. 13 viii.
bonus, power of society to receive on share, 314, s. 14
borrowing powers, rules as to, 312, s. 13
building society. *See* society
definition of, 308, s. 3
certificate, of incorporation, 311, s. 10
cheques, rules as to, 312, s. 13 viii.
commencement of Act, 307, s. 1
committee of management, advances to members of, limitation upon, 316, s. 24a
definition of, 308, s. 3
election of, 313, s. 13c
members' powers, etc., 313, s. 13c
rules as to, 312, s. 13 vi.
company, shares may be held by, 315, s. 22
common seal, of society, 311, s. 11
rules as to custody, etc., 313, s. 13 xii.
contract, by society, 322, s. 34
corporation, shares may be held by, 315, s. 22

THE BUILDING SOCIETIES ACT, 1881-1938 (p. 307)—*continued.*

court, appeal against order of registrar as to costs on investigation, 327, s. 36 (8)
enforcement of order arising out of dispute, 328, s. 37 (2)
rules of court as to winding up of society, 328, s. 38
Supreme Court defined as, 309, s. 3
deposit, acknowledgment of, form of 320, s. 28
receiving excess, 334, s. 42
with society, 318, s. 27
depositor not bound to see borrowing limits exceeded, 318, s. 27
depositor, intestacy of, administration may be dispensed with in certain cases, 332, s. 41
dispute, determination of, 327, s. 37
rules as to, 313, s. 13 XI.
dissolution of society, 328, s. 38
rules as to, 313, s. 13 XVI.
documents, inspection of in registrar's office, 335, s. 45
drafts, rules as to, 312, s. 13 VIII.
dwelling-house, indemnity by Treasurer on loan by society for, 319, s. 27b
existing society, definition of, 308, s. 3
name not to be used by any other society, 310, s. 5
registration of, 310, 311, ss. 6, 7, 8
rules, power to alter, 314, s. 16
vesting in society of rights of property, etc., on registration, 311, s. 12
friendly society, guarantee of Treasurer of loan by to society, 319, s. 27a
funds, advances by society from, 316, ss. 24, 24a
investment of, 320, s. 30
raising of, 317, s. 25
rules as to, 312, s. 13
guarantee, annual investigation of society guaranteed by Treasurer, 333, s. 41c
by Treasurer of loan to society, 319, s. 27a
incorporation, certificate of, 311, 335, s. 10, second sched.
of society, 311, s. 9
vesting of property upon, 311, s. 12
indemnity, annual investigation of society indemnified by Treasurer, 333, s. 41c
by Treasurer to society on loan for dwelling-house, 319, s. 27b
inspection, of account of society, 327, s. 36a
intestacy, of member or depositor, power to dispense with administration in certain cases, [332, s. 41
investigation of affairs of society, 325, s. 36
investing member, definition of, 308, s. 3
married woman may become, 315, s. 21
minor may become, 315, s. 21
investing shares, definition of, 308, s. 3
investment of funds, 320, s. 30
land, acquisition by society for business premises, 317, s. 26
advances upon, by society, 316, s. 24
forfeited or surrendered to society, to be converted into money, 316, s. 24
purchase price of, member and purchasers not bound to see to application, 320, s. 29
loan, acknowledgement of, form of, 320, s. 28
guarantee by Treasurer of, to society, 319, s. 27a
indemnity by Treasurer when made to member for dwelling-house, 319, s. 27b
to member, 316, ss. 24, 24a
receiving excess, 334, s. 42
society may receive, 318, s. 27
lender not bound to see borrowing limits exceeded, 318, s. 27
married woman, may become investing member, 315, s. 21
meeting, for formation of society, 309, s. 4
notice of, 324, s. 35c
rules as to, 312, s. 13 VII.
member, advance may be made to, 316, ss. 24, 24a
bound by rules, 315, s. 19
death of, 331, s. 40a
dispute, determination of, 327, s. 37
fines and forfeitures, rules as to, 313, s. 13 XV.
intestacy of, administration may be dispensed with in certain cases, 332, s. 41
liability of, 316, s. 23
list of, 324, s. 35b
loan for dwelling house to, indemnity to society by Treasurer, 319, s. 27b
not bound to see that borrowing limits exceeded, 318, s. 27
not bound to see to application of purchase-money of land, 320, s. 29
number necessary to form society, 309, s. 4

THE BUILDING SOCIETIES ACT, 1881-1938 (p. 307)—*continued.*

minor, may become investing member, 315, s. 21
model rules, 313, s. 13b
mortgage, dispute as to, not to be determined by rules, 328, s. 37 (4)
form of, 314, s. 15
receipt, for money to operate as re-conveyance, 331, s. 40
form of, 331, 335, s. 40, third sched.
redemption of, rules as to, 312, s. 13 IV.
saving of legal remedies under, 328, s. 37 (3)
name of society, change of, 315, s. 20
prohibition of registration of societies of similar, 310, s. 5
to be that stated in rules, 311, s. 9
negotiable instruments, rules as to, 312, s. 13 VIII.
notice, to society, 317, s. 26a (3)
offences and penalties, accounts, failing to produce to registrar, 327, s. 36a
bank manager, failing to furnish statement to registrar, 327, s. 36a
books, failing to produce to inspector, 326, s. 36
failing to produce to registrar, 327, s. 36a
obtaining by false representation or misapplying, 334, s. 43
deposit, society receiving excess, 334, s. 42
documents, failing to produce to inspector, 326, s. 36
list of members, failing to compile or permit inspection of, 324, s. 35b
loan, society receiving excess, 334, s. 42
money, obtaining by false representation of misapplying, 334, s. 43
oath or affirmation, giving false answer on or refusing to answer on, 326, s. 36
oath or affirmation, refusing to take, 326, s. 36
obstructing inspector, 326, s. 36
obstructing registrar on inspection, 327, s. 36a
officer, receiving commission, etc., 333, s. 41b
papers, obtaining by false representation or misapplying, 334, s. 43
records, failing to produce to registrar, 327, s. 36a
registered office, failing to have, keep open, etc., 317, s. 26a
returns, failing to make or making false, 334, s. 42
securities, failing to produce to inspector, 326, s. 36
obtaining by false representation or misapplying, 334, s. 43
society carrying on business without registration, 334, s. 42
society carrying on business with too few members, 330, s. 38a
office. *See* registered office
officer, accepting commission, etc., 333, s. 41b
advances to, limitation upon, 316, s. 24a
bound by rules, 315, s. 19
claims, by society on assets of, 321, s. 33
delivering up of books, etc., by, 321, s. 32
disputes, 327, s. 37
rules as to, 312, s. 13 VI.
security by, 321, s. 31
overdraft, society may obtain, 318, s. 27
permanent society, definition of, 308, s. 3
promissory notes, rules as to, 312, s. 13 VIII.
Public Actuary, to be registrar, 309, s. 3, *and see* registrar
purchaser of land, not bound to see to application of purchase-money, 320, s. 29
quorum, of meetings, rules as to, 312, s. 13 VII.
registered office, hours for business, 317, s. 26a (2)
of society, 317, s. 26a
registrar, annual report by, 334, s. 41d
information to be supplied to on application to register society or rule, 333, s. 41a
inspection of documents kept by, 335, s. 45
inspection of society's accounts, 327, s. 36a
investigation of affairs of society, 325, s. 36
may require evidence that society carrying on business, 333, s. 41a (2)
Public Actuary defined as, 309, s. 3
winding up of society, power to petition for, 330, s. 38 (2)
registration, effects of, 311, s. 9
information to be supplied on, 333, s. 41a
notice of, 311, 335, s. 9, first sched.
of existing society, 310, 311, ss. 6, 7, 8
of new society, 309, s. 4
regulations, 335, s. 46
prescribing model rules for societies, 313, s. 13b
repealing provisions, 307, s. 2

THE BUILDING SOCIETIES ACT, 1881-1938 (p. 307)—*continued.*

rules, binding upon members, 315, s. 19
copies to be deposited with registrar, 314, s. 17
forms of mortgage, transfer, etc., 314, s. 15
general power of society to make, 312, 314, ss. 13, 16
model, 313, s. 13b
registration of, 314, s. 17
information to be supplied upon, 335, s. 41a
supply of to members of public, 315, s. 18
withdrawal of shares, 313, s. 13a

rules of court, as to winding up of society, 328, s. 38

Savings Bank of South Australia, deposits by society with, 320, s. 30

secretary, definition of, 308, s. 3

shares, bonus on, power of society to receive, 314, s. 14
issue of, 317, s. 25
liability of members in respect of, 314, s. 23
may be held jointly or by corporation or company, 315, s. 22
withdrawal of, rules as to, 312, 313, ss. 13 IV., 13a

society. *See also* existing society ; permanent society : terminating society
advances by, 316, ss. 24, 24a
amalgamation with another society, 330, s. 39
annual statement and account of, 322, 336, s. 35, fourth sched.
application for formation, 309, s. 4
bank overdraft, 318, s. 27
borrowing powers, rules as to, 312, s. 13
business premises of, 317, s. 26
carrying on business with too few members, 330, s. 38a
common seal of, 311, s. 11
contracts by, 322, s. 34
definition of, 308, s. 3
deposits with, 318, s. 27
disputes, determination of, 327, s. 37
dissolution of, 328, s. 38
evidence of carrying on business to be supplied to registrar, 355, s. 41a (2)
formation of, 309, s. 4
funds, investment of, 320, s. 30
guarantee by Treasurer of loan to, 319, s. 27a
guaranteed by Treasurer, annual investigation of, 333, s. 41c
incorporation of, 311, s. 9
indemnity by Treasurer of loans by, 319, s. 27b
indemnified by Treasurer, annual investigation of, 333, s. 41c
inspection of accounts, 327, s. 36a
investigation of affairs, 325, s. 36
loans by, to members, 316, ss. 24, 24a
loans to, 318, s. 27
name. *See* name
not to be formed except under Act, 310, s. 4 (9)
notice, service upon, 317, s. 26a (3)
overdraft, 318, s. 27
registered office of, 317, s. 26a
registration of. *See* registration
rules of. *See* rules
shares, may be held jointly or by corporation or company, 315, s. 22
termination of, 328, s. 38
transfer of engagements to another society, 330, s. 39
union with another society, 330, s. 39
winding up, 328, s. 38

Supreme Court. *See* court

terminating society, definition of, 308, s. 3

termination of society, 328, s. 38
rules as to, 313, s. 13 XVI.

Treasurer, annual investigation by of society guaranteed or indemnified, 333, s. 41c
guarantee by of loan to society, 319, s. 27a
indemnity by to society on loan for dwelling-house, 319, s. 27b

union, of societies, 330, s. 39

winding-up, of society, 328, s. 38

FISHERIES ACT, 1917-1938 (p. 338).

aboriginal, may take fish for household use, 356, s. 48
administration of Act, money to be provided by Parliament for, 358, s. 52
alien, limitation upon issue to of licence to take fish and oysters, 346, 347, ss. 13 (3), 14a (4)
amateur fisherman, licences for, regulations as to, 363, s. 59 (*c1*)
artificial oyster bed. *See* oyster bed
bait, taking fish by licensees for, 358, s. 49
boat, definition of, 339, s. 4
forfeiture of, 342, 355, ss. 7 (1) (*b*), 41
inspector's powers as to, generally, 344, s. 9
master *prima facie* liable for offence of employee, 365, s. 61
registration of, 348, s. 16
requisition and use by inspector of registered, 345, s. 10a
buy, definition of, 341, s. 4
certificate to take fish, exclusive, 347, 348, ss. 15a, 15b
regulations as to, 364, s. 59 (*c5*)
revocation of and return of part certificate fee, 343, s. 7 (1) (*f1*)
chief inspector, appointment of, 341, s. 5
issue by of licence to take fish and oysters, 347, s. 15
close season, declaration of, 341, s. 6 (1) III.
definition of, 339, s. 4
closed waters, declaration of, 341, s. 6 (1) II.
definition of, 339, s. 4
permits to take fish or oysters for scientific or stocking purposes, 343, s. 7 (1) (*d*)
compensation, for damage to leased oyster bed, 353, s. 35 (3)
for damage to natural oyster bed, 349, s. 21
for fish or oysters destroyed as unfit for human consumption, no right of, 355, s. 44
for resumption of natural oyster bed, no right of, 349, s. 19
for resumption of oyster lease, 351, s. 31
for revocation of exclusive licence or certificate, no right of, 347, s. 15a
public works may be carried on on oyster lease without, 351, s. 30
Crown lands, definition of, 339, s. 4
public oyster reserve, declaration of, 353, s. 36
taking or dredging oysters prohibited except with authority, 354, s. 38
device, definition of, 339, s. 4
forfeiture of, 342, 355, s. 7 (1) (*b*), 41
inspector may examine and seize illegal, 344, s. 9
may be declared illegal, 342, s. 6 (1) IV.
use may be restricted, 341, s. 6 (1) II.
employee's licence, to take fish and oysters, 346, s. 14a *and see* licence
evidence, *Gazette* to be evidence of proclamations, registration, notice, 365, s. 62
of ownership of fish or oysters in marked package, 362, s. 55a (4)
onus of proof in proceedings, 364, 365, ss. 60, 61
that fish or oysters are for sale, 362, s. 55a (4)
underweight fish, onus of proving where taken, 356, s. 47 (3)
exclusive certificate. *See* certificate
exclusive licence. *See* licence
exemptions, from operation of Act, 355, 356, ss. 47, 48
fees, payment to general revenue, 358, s. 51
recovery of, 358, s. 50
regulations for, 363, s. 59 (*b*)
remission of an issue to aged fishermen of licence to take fish or oysters, 343, s. 7 (2)
return of part on revocation of licence or certificate, 343, s. 7 (1) (*f1*)
fish. *See also* fish and oysters
definition of, 340, s. 4
minimum weight, may be proclaimed, 342, s. 6 (1) VI.
obstruction to free passage of, may be removed by Minister, 354, s. 40
fish and oysters, destruction of when unfit for consumption, 344, 355, ss. 9 (*a*), 44
forfeiture of, 342, 355, ss. 7 (1) (*b*), 41
licence to take. *See* licence
offences relating to. *See* offences and penalties
oyster bearing area, may be closed and re-opened, 353, s. 37
packages containing to be marked, 361, s. 55a
permit to take from closed waters for scientific or stocking purposes, 343, s. 7 (1) (*d*)
protection, etc., of, regulations as to, 363, s. 59 (*c*)
public oyster reserve, declaration and cancellation of, 353, s. 36
oysters taken unlawfully to be property of Crown, 354, s. 38 (1)
underweight, 354, 355, 358, ss. 39, 42, 45, 47, 49, 53
sale during close season, regulations may prohibit, 363, s. 59 (*c2*)
statistics as to, regulations may require furnishing of, 363, s. 59 (*c3*) (*c4*)
fish screen, to be provided to pump pipe-line, 361, s. 53a
fish spear, use of in taking underweight fish, 342, 355, ss. 6 (1) VIa, 47

FISHERIES ACT, 1917-1938 (p. 338)—*continued.*

fishing, definition of, 341, s. 4
fishing boat. *See* boat
forfeiture, disposal of forfeited boat, device, fish or oysters, 342, 355, ss. 7 (1) (*b*), 41
fish comprising lot and receptacle containing underweight fish may be forfeited, [355, s. 42
fish, oysters, boats or devices liable to, may be seized, 355, s. 43
of fish, boats and devices, when offence committed, 355, s. 41
of lease, licence, or permit on conviction for second offence, 362, s. 57
of oysters taken from closed oyster-bearing area, 354, s. 37 (3)
proceeds of sale of forfeited goods, 355, s. 41 (1)
hand crab-net, definition of, 340, s. 4
use of for taking underweight fish, 342, 355, ss. 6 (1) VIA, 47
hand-line, definition of, 340, s. 4
use of for taking underweight fish, 342, 355, ss. 6 (1) VIA, 47
hatchery, definition of, 340, s. 4
establishment of and effect of establishment, 343, s. 7 (1) (*g*)
waters may be proclaimed as, 341, s. 6 (1) I.
hauling, definition of, 340, s. 4
illegal device, declaration of, 342, s. 6
inspector, appointment of, 341, s. 5
boat, registered, may be requisitioned and used by, 345, s. 10a
books, records, etc., may be examined by, 344, s. 10
definition of, 340, s. 4
disqualification of, 345, s. 12
entry, search and seizure by, 343, 344, 355, ss. 7 (1) (*c*), 9, 10, 43
general powers of, 344, s. 9
name and address of offenders may be demanded by, 345, s. 11
police force member to be *ex officio*, 344, s. 8
proceedings against, time of commencement, 365, s. 64
proceedings by or against, costs of, 366, s. 68
jetty, exemption of by proclamation, 342, s. 6 (1) VII.
lease, for oyster culture, 350-353, ss. 23-34, 37
forfeiture on second or subsequent offence, 362, s. 57
rent, payment into general revenue, 358, s. 51
recovery of, 358, s. 50
trespass not warranted by, 355, s. 46
licence, cancellation of, 343, s. 7 (1) (*f*)
definition of, 340, s. 4
exemption for obligation to have, 355, s. 47
exclusive, for tuna canning, preserving and reducing, 357, 364, ss. 48a, 59 (*c6*)
for use of natural oyster bed, 348, 349, ss. 17-19
to take fish, 347, 348, 364, ss. 15a, 15b, 59 (*c5*)
fees, payment into general revenue, 358, s. 51
recovery of, 358, s. 50
forfeiture on second or subsequent offence, 362, s. 57
production of to inspector, 344, s. 9 (*e*)
revocation of and return of part licence fee, 343, s. 7 (1) (*f1*)
to take fish and oysters, employees, 346, s. 14a
issue and duration of, 345, s. 13
issue by chief inspector or person authorised by him, 347, s. 15
issue without fee to aged fisherman, 343, s. 7 (2)
sufficient for licensee and wife or one member of family, 346, s. 14
trespass not warranted by, 355, s. 46
tuna canning, preserving and reducing 357, 364, ss. 48a, 59 (*c6*)
master of boat, *prima facie* liable for offence of employee, 365, s. 61
minimum weight, may be proclaimed, 342, s. 6 (1) VI.
Minister, proceedings against, time of commencement, 365, s. 64
proceedings by or against, cost of, 366, s. 68
special powers of, 342, s. 7
natural oyster bed. *See* oyster bed
net, length, mesh, etc., regulation of, 342, s. 6 (1) V.
obstruction, to free passage of fish, may be removed by Minister, 354, s. 40
occupier, may take fish or oysters on his land, 356, s. 48
offences and penalties, generally, 358, part V.
boat, registered, refusing to permit inspector to use, 345, s. 10a (2)
transferee failing to give notice of transfer, 348, s. 16 (4)
using unregistered, 361, s. 53 (*u*)
closed oyster bed, fishing for oysters on, 349, s. 22
closed waters, selling or possessing fish or oysters taken from, 359, s. 53 (*k*)
contravention of any provision of Act to be offence, 362, s. 56 (1)
crayfish, selling underweight or with eggs or spawn attached, 359, s. 53 (*m*)
detaching eggs, spawn, etc., 360, s. 53 (*t*)

FISHERIES ACT, 1917-1938 (p. 338)—*continued.*

device, using illegal, 359, s. 53 (*g*)
using to take underweight fish, 359, s. 53 (*i*)
using unlawfully, 359, s. 53 (*b*)
wilfully damaging, 360, s. 53 (*n*)
explosive or noxious things carrying in registered boat, 360, s. 53 (*p*)
using to take fish, 360, s. 53 (*q*)
fish and oysters, failing to mark package containing, 361, s. 55a
taking unlawfully, 358, s. 53 (*a*)
taking without a licence, 358, s. 53 (*a*)
fisherman not having licence, etc., 360, s. 53 (*s*)
fish screen, not providing to pump pipe-line, 361, s. 53a
forfeited fish or oyster, boat or device, refusing to deliver up, 359, s. 53 (*e*)
forfeiture. *See* forfeiture
imprisonment may be imposed in lieu of fine, 365, s. 63
inspector, acting when interested in fishing business, 345, s. 12
leased oyster bed, interfering with, 361, s. 54
licence, lending or hiring out, etc., 360, s. 53 (*r*)
refusing to produce, 359, s. 53 (*d*)
master of boat *prima facie* liable for offence of employee, 365, s. 61
name or address, refusing to give or giving false, 359, s. 53 (*c*)
obstructing fisherman, 360, s. 53 (*o*)
obstructing or hindering inspector, 361, s. 55
obstructing waters, 359, s. 53 (*f*)
oyster bed, depositing injurious matter on, 349, s. 21
oysters, interference with or taking from oyster lease, 127, s. 35
taking from closed oyster-bearing area, 354, s. 37 (3)
taking from public oyster reserve, Crown lands, etc., unlawfully, 354, s. 38 (2)
taking unlawfully from oyster lease, 350 s. 25
penalty, for offence when no specific penalty stated, 362, s. 56 (2)
regulations may prescribe for breach, 364, s. 59 (*d*)
proceedings for, 366, s. 65
second or subsequent offence, licence, lease or permit may be forfeited, 362, s. 57
selling fish unfit for human consumption, 359, s. 53 (*l*)
tuna canning, preserving or reducing, carrying on without licence, 357, s. 48a (4)
underweight fish and oysters, selling or possessing, 359, s. 53 (*k*)
taking unlawfully, 358, 359, s. 53 (*a*) (*i*) (*j*)
officer, appointment of, 341, s. 5
proceedings against, time of commencement, 365, s. 64
proceedings by or against, costs of, 366, s. 68
powers and duties of, regulations as to, 363, s. 59 (*a*)
oyster bed, artificial, lease of for oyster culture, 350-353, ss. 23-34, 37
artificial, protection of, 352, s. 35
experiments to discover and permits for, 343, s. 7 (1) (*e*)
natural, closing of, 349, 353, ss. 22, 37
depositing injurious matter on, 349, s. 21
exclusive licence to use, 348, 349, ss. 17-19 *and see* licence
fishing on after closing, 349, s. 22 (2)
oyster culture, definition of, 340, s. 4
oysters. *See also* fish and oysters : lease : licence : oyster bed
definition of, 340, s. 4
minimum weight, may be proclaimed, 342, s. 6 (1) VI.
owner, may take fish or oysters on his land, 356, s. 48
permit, cancellation of, 343, s. 7 (1) (*f*)
forfeiture on second or subsequent offence, 362, s. 57
production of to inspector, 344, s. 9 (*e*)
to take fish and oysters for experimental purposes, 343, s. 7 (1) (*e*)
to take fish or oysters from closed waters for scientific or stocking purposes, 343, s. 7 [(1) (*d*)
trespass not warranted by, 355, s. 46
pier, exemption of by proclamation, 342, s. 6 (1) VII.
police force, member to be inspector *ex officio*, 344, s. 8
proceedings, against Minister, inspector, officer or other person, time for commencing, 365, [s. 64
appeal and special case, 366, ss. 66, 67
costs of by or against Minister, inspector, or other person, 366, s. 68
summary disposal of, 366, s. 65
proclamation, power to make, or revoke, 341, s. 6
regulations, 363, s. 59
repealing provision, 339, 366, s. 3, sched.
River Murray, definition of, 340, s. 4
rod and line, definition of, 340, s. 4
use of in taking underweight fish, 342, 355, ss. 6 (1) VIa, 47
sale, definition of, 341, s. 4

FISHERIES ACT, 1917-1938 (p. 338)—*continued.*

sell, definition of, 340, s. 4
spawning places, experiments to discover and permits for, 343, s. 7 (1) (*e*)
spear. *See* hand spear
statistics, regulations as to, 363, s. 59 (*c*3), (*c*4)
stocked waters, definition of, 340, s. 4
regulations, as to, 363, s. 59 (*c*1)
take, definition of, 340, s. 4
to fish, definition of, 341, s. 4
trawling grounds, experiments to discover and permits for, 343, s. 7 (1) (*e*)
tuna, licence for canning, preserving or reducing, 357, 364, ss. 48a, 59 (*c*6), *and see* licence
underweight fish and oysters, 354, 355, 358, ss. 39, 42, 45, 47, 49, 53
use, definition of, 341, s. 4
waters, definition of, 341, s. 4
weight, definition of, 341, s. 4
minimum weight may be fixed, 342, s. 6 (1) VI.
wharf, exemption of by proclamation, 342, s. 6 (1) VII.

LOTTERY AND GAMING ACT, 1936-1938 (p. 367).

agreement of gaming or wagering, avoidance of, 398, s. 50
agricultural show, exemption of, 377, 397, ss. 22 (4), 48 (5)
art union, exception from provisions relating to lotteries, 371, s. 9
betting, information, prohibition of giving, 402-404, ss. 64-68
money received by occupier of premises for purpose of, may be recovered, 416, s. 92
offences relating to. *See* offences and penalties
with licensed bookmaker, legalization of, 384, s. 33
Betting Control Board. *See* board
betting ticket, issue by bookmaker on every bet, 392, s. 43
stamp duty upon, 393, s. 44
board, betting information may be authorised to be given by, 404, s. 67
bookmakers, licensing of, 387, 388, ss. 38, 39
commission payable by bookmakers, 388, 390, ss. 40, 41
compensation to retired members of, 386, s. 34 (10)
constitution and membership of, 385, s. 34
definition of, 368, s. 4
fees and travelling expenses of, 386, s. 35
premises, registration of, 391, s. 42
quorum of, 386, s. 34 (7)
rule making power, 386, s. 37
secretary and officers, appointment and remuneration of, 386, s. 36
stamp duty exemption, 386, s. 36a
unclaimed money, payment into general revenue, 397, s. 48a
winnings tax on bets made in registered betting premises, 393, s. 44a
bookmaker. *See* licensed bookmaker: registered betting premises
unlicensed, to be excluded by club holding totalizator licence, 378, s. 25
broadcasting, of betting advertisement and information prohibited, 404, 417, ss. 67a, 94
chairman, definition of, 368, s. 4
chance, games of prohibited, 398, 400, ss. 51, 59
charity, additional totalizator licences may be issued for racing and trotting meetings for, totalizator fractions payable to, 380, s. 28 [375, 376, ss. 19, 21
cheating, 397, 398, ss. 49, 52
Chinese lottery ticket, 420, s. 102
clerk, to bookmaker, licensing of, 387, s. 38
commission, on bets made by bookmakers, 388, 390, ss. 40, 41
common gaming house, arrest of person found in after declaration as common gaming house, declaration of, 412, ss. 80-83 [413, s. 84
entry by police after declaration as such, 413, s. 87
eviction of occupier of, 411, ss. 78, 79
evidence of house being, 414, s. 89
offences relating to. *See* offences and penalties
premises deemed to be, 409, 415, ss. 74, 90
company, non-registration of or cancellation of registration if contravening Act, 424, ss. 113,
complaint, three offences may be charged in, 424, s. 111 [114
construction, of Act, 426, s. 118
contract of gaming or wagering, avoidance of, 398, s. 50
country racing club, definition of, 383, s. 32
proclamation of or removal from list of, 384, s. 32a
court, definition of, 368, s. 4
coursing meeting, definition of, 383, s. 32
issue of permits for bookmakers at, 388, s. 39
legalization of betting at with licensed bookmaker, 384, s. 33
detention room, to be provided by club holding totalizator licence, 382, s. 31

LOTTERY AND GAMING ACT, 1936-1938 (p. 367)—*continued.*

evidence, advertisement, newspaper, etc., proof of publication, 423, s. 108
allegations deemed to be proved, 419, 422, ss. 99, 106
common gaming house, 414, s. 89
gaming implement to be of unlawful gaming, 420, s. 103
incriminating, 418, s. 98
immunity of police, 418, s. 97
lottery, allegations relating to, 373, s. 14
evidence as to, 420, ss. 101, 102
notice placarded on premises presumed to be put up with permission of occu-
minor, proof of age, 423, s. 107 [pier, 373, s. 12 (2)
premises used for unlawful gaming deemed to be with knowledge of owner, 419, s. 100
reasonable suspicion to constitute *prima facie* case, 421, ss. 104, 105
receipt of money for investment on totalizator, 400, s. 58a
" silent telephone ", effect of proof of, 423, 108a
unclaimed dividends, proceedings for, 380, s. 29

gaming, with licensed bookmakers, legalization of, 384, s. 33

gaming contract, avoidance of, 398, s. 50

gaming implements, evidence of unlawful gaming, 420, s. 103
forfeiture of, 406, s. 71

incriminating evidence, 418, s. 98

infant. *See* minor

informer, payment of half penalties to, 426, s. 117

licensed bookmaker, betting ticket, issue by on every bet and stamp duty upon, 392, 393,
clerk's licence, 387, s. 38 [ss. 43, 44
commission payable by, 388, s. 40
gaming contracts not enforceable by, 385, 398, ss. 33 (4), 50
legalization of betting with, 384, s. 33
licence, application, issue, effect, and cancellation of, 387, 396, ss. 38, 47
minors, betting with, prohibited, 395, s. 45
offences relating to. *See* offences and penalties
permit to bet at race meeting, trotting meeting, or coursing meeting, 388, 396, ss. 39, 48
registered betting premises. *See* registered betting premises
return to board of moneys received, etc., 388, s. 40
rules as to betting by, etc., 386, s. 37
winnings tax, payment of, 393, s. 44a

loiter, definition of, 368, s. 4

lot, exception where lawfully cast, 371, s. 9

lottery, advertising prohibited, 371, 372, ss. 8, 10
Chinese tickets, 420, s. 102
common nuisance and unlawful, 370, s. 5
definition of, 368, s. 4
drawing of prohibited, 370, s. 6
evidence as to, 420, ss. 101, 102
exemptions, 371, 418, 426, ss. 9, 96, 116
offences relating to. *See* offences and penalties
placards relating to, prohibited, 373, s. 12
printing ticket, etc., for prohibited, 372, s. 10
promises to pay money for, etc., 371, s. 7
proceedings for, certain allegations deemed to be proved, 373, s. 14
selling, delivering, giving or buying ticket for prohibited, 372, s. 11
sending money, etc., for prohibited, 373, s. 13

metropolitan racing club, definition of, 383, s. 32
proclamation of and removal from list of, 384, s. 32a

minor, betting with and by prohibited, 379, 395, 398, 389, ss. 27, 45, 53, 54
evidence as to age, 423, s. 107
receiving money from for betting prohibited, 399, s. 55
removal of from registered betting premises, 396, s. 45 (5)

" move on " section, 402, s. 63

National Coursing Association, issue of permits by to bookmakers for coursing meetings,
" nit-keeper ", prohibited, 414, s. 88a [388, s. 39

nomination fees, exception as to, 418, s. 96

occupier, definition of, 368, s. 4

offences and penalties, " banker " declared to be unlawful game, 400, s. 59
betting advertisements, 417, ss. 93, 94
betting information, publication of, 402, s. 64
betting notices, posting up, 404, s. 68
betting ticket, failing to issue or obtain, 392, s. 43
stamp duty upon, failure to pay, 393, s. 44 (4)
betting by or with bookmakers except in accordance with Part IV., 392, s. 42a

LOTTERY AND GAMING ACT, 1836-1938 (p. 367)—*continued.*

bookmaker, cancellation of licence on conviction, 396, s. 47
carrying on business except in accordance with Part IV., 392, s. 42a
failing to deduct and pay to board winnings tax on bets, 394, s. 44a (6)
making false return to board, record of bets, etc., 396, s. 46
broadcasting betting advertisement or information, 404, 417, ss. 67a, 94
chance, playing games of or betting on, 398, s. 51
cheating, 397, 398, ss. 49, 52
common gaming house, advancing money for the purposes of, 416, s. 91
occupying, 410, 413, 415, ss. 75, 86, 90
owner or agent of premises allowing to be used for access to, etc., 410, s. 77
owner or occupier allowing premises to be used as, 410, s. 76
person found in or entering, etc., 413, s. 84
contravention of Act to be unlawful gaming, 369, s.4
defence where betting with licensed bookmaker, 385, s. 33 (3)
" fan tan " declared to be unlawful game, 400, s. 59
" faro " declared to be unlawful game, 400, s. 59
games of chance, 398, 400, ss. 51, 59
" hazard " declared to be unlawful game, 400, s. 59
lottery, buying ticket in, 372, s. 11
employing person to manage, etc., 370, s. 6 (2)
managing, etc., 370, s. 6 (1)
posting placard, etc., relating to, 373, s. 12
printing ticket, notice, etc., for, 372, s. 10
promising to pay money, etc., to partake in, 371, s. 7
publishing, advertisement, placard, card, etc., relating to, 371, 372, ss. 8, 10
proposal to pay money, etc., to participate in, 371, s. 7
selling ticket in, 372, s. 11
sending money for, 373, s. 13
taking part in, 370, s. 6 (3)
minor, betting by or with, 379, 398, 399, ss. 27 (1), 53, 54
bookmaker betting with, 395, s. 45 (1)
in registered betting premises, 395, 396, s. 45 (3) (4)
receiving money from for betting, 399, s. 55
name and address, refusing to give or giving false, 418, s. 95
" nit keeper ", acting as, 414, s. 88a
obstructing police, etc., 408, 414, 425, ss. 72, 73, 88, 115
occupier of premises receiving money for betting or giving acknowledgment of [receipt, etc., 416, s. 92
penalty, application of, 426, s. 117
where not specifically provided for, 424, s. 110
" pitch-and-toss " declared to be unlawful game, 400, s. 59
proceedings for, 423, 424, ss. 109-112
public place, betting in, 400, s. 60
being in for purposes of betting, 401, s. 62
exhibiting implement of gaming or cheating, 398, s. 52
" purse trick " declared to be unlawful game, 400, s. 59
reasonable suspicion to constitute *prima facie* case, 421, ss. 104, 105
re-entering racecourse, etc., after removal by police, 405, 406, ss. 69 (2), 70 (5)
registered betting premises, carrying on bookmaking or keeping open in country [area when race meeting held within 10 miles, 391, s. 42 (6)
giving more than one reading of betting odds in metropolitan area, 391, s. 42
street, being in for purposes of betting, 401, s. 62 [(7)
loitering in or refusing to move on, 402, s. 63
sweepstakes, advertising or getting up or taking part in, 400, s. 60
promoting, etc., 399, s. 56
" thimble rig ", declared to be unlawful game, 400, s. 59
" three card trick ", declared to be unlawful game, 400, s. 59
tipster, advertising or giving information relating to betting, 403, ss. 65, 66
totalizator, agent receiving money, etc., 399, 400, ss. 58, 58a
employing female in, 378, s. 24
failing to deposit list of club members, 380, s. 29
failing to pay over unclaimed dividends, 380, s. 29
failing to render account of moneys received, 380, s. 29
licensee omitting to post up copy of section 27 (betting by minors), 379, s. 27
minor betting on, 379, s. 27 (1) [(3)
soliciting investments in, 399, 400, ss. 57, 58a
trotting meeting, holding with totalizator without permit, 377, s. 22 (3)
holding with bookmakers without permit, 396, s. 48 (4)
" two-up ", declared to be unlawful game, 400, s. 59
unlawful gaming, 401, s. 61
warning of approach of police, 414, s. 88a

LOTTERY AND GAMING ACT, 1936-1938 (p. 367)—*continued.*

permit, to bookmaker to bet at racecourse or trotting ground or at coursing meeting, 388, [396, ss. 39, 48
place, definition of, 368, s. 4
police, entry into shops, factories, clubs and hotels, power of, 425, s. 115
evidence, immunity, 418, s. 97
minor may be removed by from registered betting premises, 396, s. 45 (5)
notice to permit access by to premises, 408, s. 73
power of removal from racecourse, etc., of person suspected of unlawful gaming, 404, [405, ss. 69, 70
warrant to enter premises, 406, 431, s. 71, fourth sched.
premises, registered betting. *See* registered betting premises
proceedings *see also* evidence
defence where betting with licensed bookmaker, 385, s. 33 (3)
for offences, 423, 424, ss. 109-112
public place, being in for purposes of betting prohibited, 401, s. 62
definition of, 369, s. 4
racecourse, legalization of betting at with licensed bookmaker, 384, s. 33
removal of person suspected of unlawful gaming, 404, 405, ss. 69, 70
racing club, definition of, 383, s. 32
registered betting premises, cancellation of registration, 391, s. 42 (5)
legalization of betting in, 384, s. 33
minors prohibited within, 395, s. 45
registration of, 391, s. 42
restrictions on betting at, 391, s. 42 (6) (7)
winnings tax on bets made in, 393, s. 44a
regulations, as to stamp duty on betting tickets, 393, s. 44 (3)
as to totalizator, 379, 427, s. 26, second sched.
repealing provision, 367, 427, s. 3, first sched.
rules, as to bookmakers, 386, s. 37
as to totalizator, 379, 427, s. 26, second sched.
" silent telephone ", proof of to be evidence of unlawful gaming, 423, s. 108a
South Australian Trotting League, constitution of, 377, s. 22a
permits for meetings with totalizator, 376, s. 22
permits to bookmakers at trotting meetings, 396, s. 48
stamp duty, exemption of on cheques and receipts of board, 386, s. 36a
on betting ticket, 393, s. 44
street, being in for purposes of betting prohibited, 401, s. 62
definition of, 369, s. 4
loitering in or refusing to move on, 402, s. 63
sweepstakes, advertising or getting up, etc., prohibited, 400 s. 60
definition of, 369, s. 4
offences as to. *See* offences and penalties
exception of small, 426, s. 116
promoting of prohibited, 399, s. 56
tipster, advertising, etc., by, prohibited, 402-404, ss. 64-68
totalizator *see also* totalizator licence
accounts to be rendered by club, 380, s. 29
agents prohibited, 399, s. 58
betting by minors prohibited, 379, s. 27
commission to be retained by club, 380, s. 28
definition of, 369, s. 4
dividends, how calculated, 380, s. 28
duty on moneys received to be paid to Commissioner of Stamps, 380, s. 28
female not to be employed in, 378, s. 24
fractions retainable and application to charity, 380, s. 28
moneys paid in, how dealt with, 378, 380, ss. 23, 28
rules and regulations relating to, 379, 427, s. 26, second sched.
soliciting investments prohibited, 399, s. 57
unclaimed dividends, payment of to general revenue, 380, s. 29
totalizator licence *see also* totalizator
annual list of licences granted, 382, s. 30
application for, 374, 431, s. 15, third sched.
betting facilities to be provided under, 375, s. 20
charity meetings, additional days and nights for, 375, 376, ss. 19, 21
club to exclude unlicensed bookmakers, etc., 378, s. 25
days on which operative, 375, s. 19
detention room to be provided by club holding, 382, s. 31
issue of, 374, s. 15
membership of club, conditions necessary, 375, s. 18

LOTTERY AND GAMING ACT, 1936-1938 (p. 367)—*continued.*

metropolitan area, restriction on grant within, 374, s. 16
restriction on grant on racecourse within ten miles of licensed racecourse, 374, s. 17
revocation of, 376, 379, 382, ss. 20 (2), 25 (2), 31
rules and regulations relating to 379, 427, s. 26, second sched.
term of, 374, s. 15
trotting club, application of certain sections to grant to, 378, s. 23
power to issue to, 376, ss. 21, 22
trotting ground, definition of, 384, s. 32
legalization of betting at with licensed bookmaker, 384, s. 33
trotting league. *See* South Australian Trotting League
unclaimed dividends, proceedings for, 380, s. 29
unclaimed money, payment by board into general revenue, 397, s. 48a
unlawful gaming, definition of, 369, s. 4
evidence. *See* evidence
penalties for. *See* offences and penalties
premises used for, deemed to be with knowledge of owner, 419, s. 100
prohibition of, 401, s. 61
reasonable suspicion to constitute *prima facie* case, 421, ss. 104, 105
warrant to police to enter premises, 406, 431, s. 71, fourth sched.
wagering contract, avoidance of, 398, s. 50
wagering, with licensed bookmaker, legalization of, 384, s. 33
warrant, to enter premises where unlawful gaming is suspected, 406, 408, 431, ss. 71, 72, [fourth sched.
winnings tax, on bets made in registered betting premises, 393, s. 44a
work of art, exemption of associations allotting among members, from provisions as [to lotteries, 371, s. 9

ROAD TRAFFIC ACT, 1934-1938 (p. 432).

accident, duty of driver to stop and report, 526, s. 139
emergency and hospital treatment, payment for, 489, 491, ss. 70g, 70h
medical examination of claimant in action arising out of, 495, s. 70r
administration, of Act, 433, s. 3
agreement, to pay for work done in claim for damages, after soliciting instructions, void, [495, s. 70s
ambulance, exemptions from motor registration fee and licensing of vehicles, 443, 444, 497, [ss. 9 (13) (13a), 72
exemptions from speed limits, 471, 523, ss. 43 (3), 132
animal, definition of (in Part VI.), 514, s. 119
offences as to. *See* offences and penalties
removal of from road if unattended, 530, s. 150
appeal, against decision of registrar as to driver's licence, 459, s. 32
against order of disqualification as to driver's licence, 462, 481, ss. 38d, 67e
against refusal to issue driver's licence by reason of conviction, etc., 460, s. 35
apprehension, powers of, 472, 507, 512, ss. 45 (2), 99 (3), 112 (2)
approved insurer, definition of (in Part IIa), 481, s. 70a
information as to premiums, etc., to be furnished by, 493, s. 701
area, definition of (in Part IV.), 501, s. 85
authorised officer, appointment of (under Parts IV. and VII.), 505, 541, ss. 94, 181
bell, on bicycle and tricycle, 512, 513, ss. 112b, 112c
restriction on use on motor vehicle, 464, s. 40 (3), 40a
bicycle, bell upon, 512, 513, ss. 112b, 112c
brake upon, 512, s. 112a
definition of (in Part V.), 510, s. 108
" donkeying ", prohibited, 529, s. 143
lights to be carried on, 511, s. 110
offences as to. *See* offences and penalties
brake, upon bicycle or tricycle, 512, s. 112a
on motor vehicle, 467, s. 42a
regulations as to, 477, s. 61 (1) IV.
bridge, damaging, 538, 540, ss. 168, 178
stopping of vehicle on prohibited, 538, s. 167
boring machinery, exemption from motor registration fee, 443, s. 9 (13)
by-law, inconsistent with regulations under Part II. or Part VI. to be invalid, 478, 535,
careless driving, 515, s. 120 [ss. 62, 156
commencement of Act, 432, s. 1 (1)
commercial motor vehicle, British origin, proclamation of, 444, s. 10
definition of (in Part II.), 433, s. 4 (1)
registration fee when owned by primary producer, prospector or fisherman, 440,
common law liability, saving of (under Part II.), 481, s. 70 [441, 444, s. 9 (7) (8) (9) (14)
committee, premiums inquiry, appointment and duties of, 494, s. 70m
compulsory insurance of motor vehicle. *See* insurance of motor vehicle

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

consul, exemption from motor registration fee, 443, s. 9 (13)
contract, contracting out of liability for negligence to be void, 495, s. 70p
council, definitions of (in Parts IV. and V.), 501, 510, ss. 85, 108
erection by of stop sign at road intersection or bridge, 519, s. 130a
exemptions from motor registration fee and licensing of vehicles, 443, 497, ss. 9 [(13), 72
removal by of dangerous light or sign, 534, s. 155
removal from road of unattended vehicle or animal, 530, s. 150
weighing machine, erection by, 505, s. 95
Crown, application of Parts II. and VII. to persons in service of, 481, 541, ss. 69, 182
exemption from compulsory insurance of motor vehicle, 482, s. 70a (3)
exemption from motor registration fee, 443, s. 9 (13)
culvert, damaging, 538, 540, ss. 168, 178
" cutting in ", with vehicle, 518, s. 129
damage, to improved main road, notice to be given to road authority, 541, s. 179
demonstration motor vehicle, refund of registration fee upon, 449, s. 21
deputy registrar, appointment and general powers of, 434, s. 5
drain, definition of (in Part VI.), 536, s. 161
driver, definitions of (in Parts II. and VI.), 433, 514, ss. 4 (1), 119
licensing of. *See* driver's licence
offences by. *See* offences and penalties
of trailer attached to motor vehicle, 434, s. 4 (2)
driver's licence, address, change to be notified, 473, s. 50
age of person to whom may be issued, 460, s. 33
annual police examination of, 480, s. 67b
disqualification, 461-463, ss. 38a-38f
appeal against, 462, 481, ss. 38d, 67e
effect of, 480, s. 67a
indorsement upon, 479, s. 67
on complaint of insurer, 493, s. 70k
on conviction for driving without policy of insurance, 482, s. 70b
duplicate, issue of, 461, s. 37
duration of, 461, s. 36
fee for, 457, s. 31 (2)
issue of, 457, 480, ss. 31, 67a
offences as to. *See* offences and penalties
production to court on hearing of charge, 475, s. 57
refusal of issue to person convicted of certain offences, etc., 460, ss. 34, 35
register of, 461, s. 38
restricted by reason of infirmity, etc., 458, s. 31a
suspension of, 461-463, ss. 38a-38f
effect of, 480, s. 67a
temporary, regulations as to, 477, s. 61 (1) XII.
driving test, 458, 459, 462, ss. 31a, 32, 32a, 38e
evidence, accident, failure to report, 527, s. 139 (5)
allegation, in proceedings under Part III., 500, s. 82
that policy of insurance not in force, 483, s. 70b (4)
certificate of safety of vehicle plying for hire, 533, s. 154
claims made both for injury to person and damage to property, 489, s. 70f (3)
consent to prosecution for leaving vehicle outside Parliament House, 532, s. 151 (4)
driver of vehicle or animal, 535, s. 157
entry in register of motor vehicles or of drivers, 478, s. 65 (1)
excessive speed, 471, s. 43 (2) (4)
municipality, 479, s. 66
notice given by owner of motor vehicle to insurer not admissible, 487, s. 70e
number, absence of on motor vehicle, 479, s. 66
number plate, issue of, etc., 478, s. 65 (2)
privilege from discovery of medical report, 495, s. 70r (4)
railway crossing, 535, s. 157
reckless driving, 516, s. 121 (2)
registration card, absence on motor vehicle, deemed to be unregistered, 448, s. 17 (4)
registration, ownership, transfer, etc., of motor vehicle, 478, 479, s. 65 (2), 66
rider of vehicle or animal, 535, s. 157
road, proof of under Part V., 513, s. 117
sign on road, 535, s. 157
speedometer, accuracy of, 535, s. 157 (3)
stop watch, accuracy of, 535, s. 157 (3)
street or road, 479, s. 66
town or township, 479, s. 66
traders' plate, as to issue of, etc., 478, s. 65 (2)
weighing apparatus, 509, s. 104
weight of vehicle or load, 506, 509, ss. 98, 104

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

fire, actions likely to cause on road forbidden, 538, s. 170
fire brigade, exemption from motor registration fee and licensing of vehicles, 443, 497, exemption, from speed restrictions, 471, 523, ss. 43 (3), 132 (3) [ss. 9 (13), 72
fisherman, registration fee for motor vehicle of, 441, s. 9 (9)
footpath, riding or driving on, 523, 526, ss. 133 (1), 137
guard fence, damaging, 538, 540, ss. 168, 178
Highways Department, inspector of, to be inspector under Part V., *ex officio*, 513, s. 113
horsepower, of motor vehicle, method of computing, 437, s. 9 (1)
improved main road, definition of (in Part VII.), 536, s. 161
offences relating to. *See* offences and penalties
protection of, 536-541, ss. 161-182
inspector, appointment of under Part V., 513, s. 113
apprehension, powers of, 472, 512, ss. 45, 112
definitions of (in Parts IV. and V.), 501, 510, ss. 85, 108
inspector of motor vehicles, appointment and general powers of, 434, s. 5
insurance of motor vehicles, committee on premiums, appointment and duties of, 494, s. 70m
contracting out to be void, 495, s. 70p
driving without prohibited, 482, s. 70b
emergency and hospital treatment, payment for, 489, 491, ss. 70g, 70h
insured person, not to litigate or compound claim without the consent of insurer, 487, [s. 70e
insurer, information as to premiums, etc., to be furnished by, 493, s. 70l
liability of, 485, s. 70d
may conduct legal proceedings on behalf of insured person, 489, s. 70f
notice of accident to by owner of vehicle, 487, s. 70e
medical examination of claimant, 495, s. 70r
nominal defendant in action where party cannot be ascertained, 485, s. 70d
offences as to. *See* offences and penalties
policy of insurance, rights of insured persons under, 495, s. 70q
requirements of, 484, 485, 489, ss. 70c, 70d, 70g
termination by insurer, 493, s. 70k
soliciting instructions to make claim forbidden, 495, s. 70s
visiting motorist to have, 493, s. 70j
insured person, definition of (in Part IIa), 482, s. 70a
intersection, speed limits at, 523, ss. 132, 133
right of way of traffic at, 521, s. 131
jury, actions for damages arising out of use of motor vehicle to be tried without, 492, s. 70i
Kangaroo Island, registration fee for motor vehicles used on, 442, s. 9 (10a)
left, definition of (in Part VI.), 514, s. 119
licensing of driver, duty to obtain licence, 457, s. 30 *see also* driver's licence
licensing of vehicle, application for licence, 498, 499, ss. 74, 77
disc, issue of and duplicate, 499, ss. 78, 79
duration of licence, 499, s. 76
duty to license, 497, s. 73
exemptions, 497, s. 72
fee for licence, 498, s. 75
metropolitan area, application to, 497, s. 73
offences as to. *See* offences and penalties
lights, dangerous, removal of, 534, s. 155
lights on motor vehicle, 465, s. 42
headlights, regulations as to, 477, s. 61 (1) XV.
lights on vehicle (other than motor vehicle), 510-512, ss. 109-111
limited trader's plate, issue and use of, 453, s. 27
load, definition of (in Part IV.), 501, s. 85
permitted weight on vehicle. *See* width of tires
projecting, requirements of, 465, 510, 512, 527, 528, ss. 42, 109, 111, 141, 142
local government area, definitions of (in Parts IV. and V.), 501, 510, ss. 85, 108
locking, wheels of horse-drawn vehicle on improved main road, 537, s. 163
main road. *See* improved main road
metropolitan area, definition of (in Part III.), 496, s. 71
Minister, definition of, 433, s. 3 (2)
mirror, on motor vehicle, 470, s. 42c
motor cycle, brakes, 467, s. 42a
lights upon, 465, s. 42
registration of. *See* registration of motor vehicle
side-car to be on left side, 474, s. 51
motor lorry, definition of (in Part VII.), 536, s. 161
name and address of owner, weight unladen and speed, to be painted on, 540, s. 177
motor tricycle, registration of. *See* registration of motor vehicle
motor trivan, registration of. *See* registration of motor vehicle

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

motor vehicle. *See also* vehicle
brakes, 467, s. 42a
compulsory insurance of. *See* insurance of motor vehicle
definitions of (in Parts II., IV. and VII.), 433, 501, 537, ss. 4 (1), 85, 161
driver, licensing of. *See* driver's licence
examination by police, registrar, etc., 452, 532, ss. 25, 152
lights upon, 465, s. 42
maximum load upon. *See* width of tires
mirror upon, 470, s. 42c
number plate to be carried on, 445, s. 13
offences relating to. *See* offences and penalties
projections on wheels, driving on road prohibited, 537, s. 165
registration of. *See* registration of motor vehicle
regulations as to use of, etc., 476, s. 61
warning device upon, 463, 464, ss. 40, 40a
width of, 528, s. 142
width of tires. *See* width of tires
windscreen wiper, 470, s. 42b
Municipal Tramways Trust, exemptions from motor registration fee and compulsory [insurance, 443, 482, ss. 9 (13), 70a (3)
nominal defendant, in action arising out of policy of insurance where party cannot be ascer- non-mechanical vehicle, definition of (in Part IV.), 501, s. 85 [tained, 485, s. 70d
number, definition of (in Part II.), 434, s. 4 (1)
number plate, distinctive design for vehicles plying for hire, 447, s. 15
issue and force of upon registration of motor vehicle, 436, s. 8
motor vehicle to have attached, 445, s. 13
regulations as to, 477, s. 61 (1) IX.
offences and penalties, accident, driver failing to stop upon or give name and address, etc., [or report, 526, s. 139
address, registered motor vehicle owner or driver omitting to notify change, 473, s. 50
animal, not under proper control, 526, s. 138
approved insurer, failing to furnish information as to premiums, etc., or giving false [information, 493, s. 701
ashes, cinders and other refuse, discharging upon road from vehicle without extin- [guishing or spreading out, 538, s. 170
bell, using on motor vehicle as warning instrument by general public, 464, s. 40a (2)
bicycle, bell, riding without or failing to use, 512, 513, ss. 112b, 112c
pacing by, 529, s. 145
rider attaching himself to vehicle, 529, s. 144 (2)
riding abreast, 530, s. 147
riding by more than one person, 529, s. 143
riding without lights, 511, s. 110
riding without one hand on handlebars, 515, s. 120 (2)
brake, riding bicycle without, 512, s. 112a
driving motor vehicle without proper, 470, 480, ss. 42a (13), 67d
bridge, damaging, 538, 540, ss. 168, 178
careless driving, 515, s. 120
centre traffic line, driving vehicle or animal on right hand side of, 520, s. 130c
commercial motor vehicle, using without payment of proper registration fee, 475, s. 59
contravention of Part II. and Part V. to be an offence, 478, 513, ss. 63, 114
culvert, damaging, 538, 540, ss. 168, 178
" cutting in " with vehicle, 518, s. 129
damaging, road, bridge, culvert, guard fence, sign, notice, post, etc., 538, 540, ss. 168,
dangerous position, leaving vehicle or animal in road in, 525, s. 136 [178
dangerous speed, driving vehicle or animal at, 515, s. 121
depositing wood, sand, etc., upon main road, 538, s. 171
disobeying lawful order or direction of police or traffic sign, 476, 516, ss. 60 (3), 123
driver's licence, failing to produce for indorsement of disqualification, 480, s. 67 (2)
failing to produce on demand, etc., 472, s. 45
failing to produce to court on hearing of charge, 475, s. 57
forging or altering or having false, etc., 463, s. 39
obtaining by false statement, etc., 463, s. 39
restricted, driving motor vehicle contrary to 458, s. 31a
due care, driving or riding vehicle or animal without, 515, s. 120
employee, exemption of from charge of driving motor vehicle without proper equip- evidence. *See* evidence [ment, etc., 480, s. 67d
excessive speed, driving motor vehicle at, 471, s. 43
false statement, making in application for registration of motor vehicle or driver's [licence, 448, 475, ss. 18, 58
footpath, driving vehicle or animal across at greater speed than 6 miles per hour, riding or driving on, 526, s. 137 [523, s. 133 (1)

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

hindering police, etc., 476, 532, ss. 60 (3), 152
hire, of motor vehicles, procuring by fraud, etc., 474, s. 56
horse, riding three or more abreast, 530, s. 148
improved main road, damaging by driving farm implement, 537, s. 162
dragging timber, etc., upon 537, s. 164
driving caterpillar tractor on, 537, s. 166
driving motor vehicle with defective tires on, 539, s. 173
driving vehicle on with metal tires, 539, s. 176
driving vehicle on with wheel chains or studs, 538, s. 172
driving on shoulders of, 538, s. 169
failing to give notice of damage to, 541, s. 179
locking wheels of horse drawn vehicle upon, 537, s. 163
insured person, failing to give notice of accident to insurer, 487, s. 70e
interfering with notice, sign, etc., on road, 540, s. 178
intersection, driving over at more than 25 miles per hour, 523, s. 132
driving vehicle around within metropolitan area at speed exceeding 10 miles [per hour, 523, s. 133 (2)
failing to give way to traffic on right, 521, s. 131 (1)
"joy riding" in motor vehicle, 474, s. 53
left, driver or rider of vehicle or animal failing to keep to, 517, s. 124
leaving stationary vehicle or animal on road not drawn to, 517, s. 125
not passing vehicle or animal upon on meeting, 517, s. 124
overtaking tramcar other than on, 517, s. 127
lights, driving or owning motor vehicle without proper, 467, 480, 512, ss. 42 (3), 67d, [111
driving vehicle without, 510, 512, ss. 109, 111
riding bicycle without, 511, s. 110
load, driving vehicle with greater axle load than permitted maximum, 502, 503, ss. [86, 88, 91
driving vehicle with greater than permitted weight, 502, 503, ss. 87, 89, 91
projecting, driving vehicle with contrary to requirements, 527, 528, ss. 141, 142
driving vehicle without special light, 465, 510, 512, ss. 42, 109, 111
metal tires, driving or owning vehicle with, not of proper width, etc., 504, 539, [ss. 93, 176
mirror, rear vision, driving motor vehicle without, 470, 480, ss. 42c, 67d
motor lorry, driving without name and address of owner, etc., painted on, 539, s. 177
motor vehicle, attempting to drive whilst under the influence of liquor or drug, 472, s. 48
driving at excessive speed, 471, s. 43
driving beyond speed limit for vehicles with solid tires, 539, s. 174
driving unregistered on road or owning when so driven, 435, s. 7
driving whilst under the influence of liquor or drug, 472, s. 48
driving without consent of owner, 474, s. 53
driving without licence, 457, s. 30
driving without policy of insurance, 482, s. 70b
emitting unnecessary noise, smoke, vapour or smell, 465, s. 41 (3)
exceeding permitted width, 528, s. 142
failing to give information as to nature and weight of, 456, s. 28
failing to give notice of alteration to, 452, s. 26
failing to notify transfer of, 448, s. 19
failing to weigh, 457, s. 29
hire of, procuring by fraud, etc., 474, s. 56
interfering or tampering with, 474, s. 55
weight unladen more than 2 tons, driving over 30 miles per hour, 539, s. 175
name and address, failing to give or giving false, 456, 472, 512, 526, ss. 27 (18), 45, 112, [139
number plate, driving or owning motor vehicle or trailer without or obliterated or [incorrect, etc., 446, s. 13 (3) (4)
driving or owning unregistered motor vehicle bearing that of registered [vehicle, 447, s. 14
forging or fraudulently altering, 447, s. 13 (5)
obstructing police, 476, 506, ss. 60 (3), 97 (2)
overtaking, another vehicle or animal and not keeping to right, 517, s. 126
another vehicle if road not visible, etc., 518, s. 129
overtaken vehicle failing to pull to left or increasing speed, 518, s. 130
Parliament House, leaving vehicle in street outside, 531, s. 151
passenger, driving motor vehicle with on roof, bonnet, or on right of driver's seat, [529, s. 143a
passing vehicle or animal on meeting, other than on left, 517, s. 124
pedestrian, driver passing other than on right hand side of driver, 518, s. 128 (1b)
walking on road other than on right, 517, s. 128
penalty (under Parts IV. and V.) appropriation of, 509, 513, ss. 107, 116
penalty for offences under Parts II., IV., V., VI., and VII., 478, 509, 513, 535, 541, [ss. 64, 105, 115, 158, 180

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*
permit, to farmer, driving motor vehicle or tractor contrary to, 436, s. 7a
to vehicle exceeding prescribed weight, contravening, 528, s. 142
pillion passenger, driving motor cycle with, at more than 25 miles per hour, 471, s. 43a
playground, passing at greater speed than 25 miles per hour, 524, s. 133, (3) (4)
police, directions to traffic, failure to obey, 476, 516, ss. 60 (3), 123
questions by, failing to answer, 456, s. 27 (17)
policy of insurance, driving motor vehicle without, or failing to produce, 482, s. 70b
proceedings for, 481, 494, 500, 509, 513, 536, 541, ss. 68, 70n, 83, 106, 118, 159, 180
projecting load, driving vehicle with contrary to requirements, 465, 512, 527, 528, [ss. 42, 111, 141, 142
railway, driving across except at crossing or driving over crossing, carelessly, etc., reckless driving, 515, s. 121 [516, s. 122
registration card, defacing or possessing false, etc, 448, s. 18
driving motor vehicle without or with defaced or imitation card, etc., 448,
failing to deliver up on transfer, 448, s. 19 [ss. 17 (3), 18
failing to deliver upon cheque for registration fee being dishonoured, 451, s. 22
hindering destruction upon expiry of registration 451, s. 21a
regulations under Part II. may prescribe, 476, s. 61
removing sign, notice, etc., from road, 540, s. 178
road, damaging, 540, s. 178
depositing injurious matter upon, 530, s. 149
depositing wood, sand, etc., upon, 538, s. 171
refusing to move vehicle from when closed for racing, 533, s. 153 (6)
school, passing at greater speed than 25 miles per hour, 524, s. 133 (3) (4)
side-car, driving or owning motor cycle with on right hand side, 474, s. 51
sign, failure to obey, 516, s. 123
sign, notice, etc., on road, removing, damaging or interfering with, 540, s. 178
signal, driver or rider failing to give, 524, s. 134
silencer, driving motor without altering, etc., 464, s. 41
siren, using on motor vehicle as warning instrument by general public, 464, s. 40a (2)
stop sign, at railway crossing, failing to observe, 520, s. 130b
at road intersection or bridge, failing to observe, 518, s. 130a
tractor, caterpillar, driving on improved main road, 537, s. 166
driving without name and address of owner, etc., painted on, 539, s. 177
using without payment of proper registration fee, 475, s. 59
trader's plate, driving motor vehicle with except for authorised purpose, etc., 454,
failing to return, 455, s. 27 (16) [s. 27
selling business without notifying registrar, 454, 455, s. 27 (9) (19)
traffic line, driving vehicle or animal on right hand side of, 520, s. 130c
traffic sign, failure to obey, 516, s. 123
traffic signal, driver or rider failing to give, 524, s. 134
trailer, drawing more than one by motor vehicle, or two by tractor, 528, s. 142
tramcar, boarding or alighting from whilst in motion, 529, s. 146
failing to give way to at intersection, 521, s. 131 (2)
overtaking other than on left hand side, 517, s. 127
passing stationary at speed exceeding 6 miles per hour, 523, s. 133 (1)
towing vehicle without complying with requirements, 525, s. 135
tricycle, rider failing to use bell, 513, s. 112c
riding without bell, 512, s. 112b
riding without efficient brake, 512, s. 112a
riding without lights, 511, s. 110
vehicle, affixing licence disc to wrong, 500, s. 80
boarding or alighting from whilst in motion, 529, s. 146
driver permitting bicycle rider to attach himself to, 529, s. 144 (1)
driving abreast, 530, s. 147
driving licensed without disc or disc improperly affixed, etc., 499, s. 78 (2)
driving without name and address of owner, etc., painted on, 539, s. 177
driving or owning unlicensed within metropolitan area, 497, s. 73
driving or owning with metal tires not of proper width, etc., 504, s. 93
failing to produce to police etc., 532, s. 152 (4)
obtaining licence or disc for by false statement, forgery, etc., 500, s. 81
overtaken, failing to pull to left or increasing speed, 518, s. 130
overtaking another when road not visible, etc., 518, s. 129
owner refusing to weigh after notice for purposes of Part IV., 507, s. 101
passing another vehicle, etc., 517, ss. 124, 126
person in charge, failing to stop or answer questions, etc., for purposes of Part
refusing to weigh for purposes of Part IV., 505, s. 96 [IV., 507, s. 99
plying for hire without certificate of safety or contrary to certificate, 533, s. 154
refusing to answer questions to identify driver, 527, s. 140
refusing to permit police, etc., to examine and ascertain load for purposes of
riding on without consent of driver, 529, s. 144 (3) [Part IV., 505, s. 97
stopping on bridge or failing to remove, 538, s. 167

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

walking on road without due care, etc., 515, s. 120 (1)
warning device, driving or owning motor vehicle without failing to sound, 463, s. 40
using improperly or offensively, 464, s. 40a
wheels with bars, studs, etc., driving motor vehicle with on road, 537, s. 165
windscreen wiper, driving motor vehicle without, 470, 480, ss. 42b (3), 67d
overtaking, another vehicle, 517, 518, ss. 126, 129, 130
owner, definitions of (in Parts II., IIa., III., IV., and V.), 434, 482, 497, 502, 510, ss. 4 (1),
Parliament House, parking of vehicles outside, 531, s. 151 [70a, 71, 85, 108
passing another vehicle, 517, s. 124
pedestrian, upon carriage-way of road, 517, s. 128
permit, for motor vehicle to exceed prescribed width, 528, s. 142
to farmer to use tractor or motor vehicle without registration, 436, s. 7a
pillion rider, regulations as to, 477, s. 61 (1), VIII.
speed limit of motor cycle carrying, 471, s. 43a
playground, passing at greater speed than 25 miles per hour, 524, s. 133 (3) (4)
plate. *See* number plate
police, apprehension of person failing to stop vehicle, etc., 507, s. 99 (3)
execution of Part II. by, 476, s. 60
exemption from prohibition of driving motor vehicle without owner's consent,
exemptions of from speed limits, 471, 523, ss. 43 (2), 132 [474, s. 53 (3)
power, to examine motor vehicle and enter premises, etc., 452, 532, ss. 25, 152
under Part II. exercisable by registrar and inspector, 434, s. 5
removal from road of unattended vehicle or animal, 530, s. 150
to be examiner for driving tests, 460, s. 32a (2)
to be inspectors under Part V. *ex officio*, 513, s. 113
traffic directions by, 476, s. 60 (2)
policy of insurance, *see also* insurance of motor vehicle
definition of (in Part II.a), 482, s. 70a
post, damaging, 538, 540, ss. 168, 178
power weight, ascertainment of, 445, ss. 11, 12
method of computing, 437, 444, s. 9 (1) (14)
premises, entry by police, registrar, etc., 452, 532, ss. 25, 152
premiums committee, appointment and duties of, 494, s. 70m
primary producer, fee for registration of motor vehicle or tractor of, 440, 441, 444, s. 9 (7),
permit to use motor vehicle or tractor without registration, 436, s. 7a [(10), (14)
proceedings, actions for damages arising out of use of motor vehicle to be tried without a
[jury, 492, s. 70i
for offences, 481, 494, 500, 509, 513, 536, 541, ss. 68, 70n, 83, 106, 118, 159, 180
time for commencing for driving motor vehicle without policy of insurance, 483, s.
procession, exemption of vehicles taking part in, 533, s. 153a [70b (3)
projecting load, requirements as to, 465, 510, 512, 527, ss. 42, 109, 111, 141
prospector, registration fee for motor vehicle of, 441, s. 9 (8)
races, exemption of persons taking part in, 533, s. 153
railway crossing, erection of stop sign at, 520, s. 130b
traffic offences upon, 516, s. 122
reckless driving, 515, s. 121
register of driver's licences, 461, s. 38
register of motor vehicles, copy of entry to be furnished, 437, s. 8 (5)
form of, 435, s. 6
registrar, appointment and general powers of, 434, s. 5
definitions of (in Parts II. and III.), 434, 497, ss. 4 (1), 71
power to examine motor vehicle and enter premises, etc., 452, s. 25
register of motor vehicles to be kept by, 435, s. 6
Registrar of Motor Vehicles. *See* registrar
registration of motor vehicle, address of owner, change to be notified, 473, s. 50
alterations to be notified, 452, s. 26
application for, 436, s. 8
avoidance of where cheque for fee dishonoured, 451, s. 22
card, destruction of on expiry of registration, 451, s. 21a
issue and use of, 447, s. 17
compulsory insurance. *See* insurance of motor vehicle
conditions ordered by court to be complied with, 437, s. 8a
defective vehicle, suspension or prohibition of registration, 480, s. 67c
disqualification on conviction for driving without policy of insurance, 482, s. 70b
duration of, 436, 447, ss. 8, 16
duty to register, 435, s. 7
exemption, of tractor or motor vehicle used by farmer, 436, s. 7a
of tractor used for road making, 435, s. 7 (5)
of vehicle carrying fire-fighting appliances, etc., 435, s. 7 (1)
information as to nature and weight, 456, s. 28
limited trader's plate, 453, s. 27

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

number assigned upon and number plate, 436, s. 8
offences relating to. *See* offences and penalties
policy of insurance to be in force at time of, 437, 483, 484, ss. 8b, 8c, 70b (6), 70c
power weight, ascertainment of, 437, 445, ss. 9 (1), 11, 12
registration fee, alteration of on variation of customs duty on petrol, 443, s. 9 (12)
alteration to vehicle, upon, 452, s. 26
cheque in payment dishonoured, 451, s. 22
commercial vehicle, of British origin, 444, s. 10
of fisherman, 441, s. 9 (9)
of primary producer, 440, 444, s. 9 (7) (14)
of prospector, 441, s. 9 (8)
computation of, 437, s. 9 (1)
exemptions from payment of, 443, 444, s. 9 (13) (13a)
motor cycle, 438, 440, s. 9 (2) (6)
motor tricycle or trivan, 438, 440, s. 9 (3) (6)
motor vehicle (other than cycle., etc.), 438, 440, s. 9 (4) (6)
motor vehicle used outside council area or on Kangaroo Island, 442, s. 9 (10a)
payable upon default, 435, s. 6 (4)
recovery of if exempted vehicle used contrary to exemption, 442, s. 9 (11)
refund, on transfer, 449, ss. 20, 21
on vehicle ceasing to be used, etc., 449, s. 21
on overpayment, 444, s. 10a
tractor of primary producer, 441, 444, s. 9 (10) (14)
trailer, 438, 440, s. 9 (5) (6)
transfer, 449, ss. 20, 21
underpayment, recovery of, 451, s. 23
revocation of on termination of policy of insurance, 493, s. 70k
suspension of where vehicle defective, 480, s. 67c
temporary registration, not to be granted without policy of insurance, 493, s. 70j
regulations as to, 477, s. 61 (1) XII.
revocation or refusal of, 463, s. 38g
term of, 436, 447, ss. 8, 16
trader's plate, 453, s. 27
transfer, 448, 449, ss. 19-21
weight, duty to ascertain, 457, s. 29
regulations, general (under Parts II., II.a, III. and IV.), 476, 494, 501, 508, 509, ss. 61, 70o, [84, 102, 103
as to brakes upon motor vehicles, 469, s. 42a (12a)
as to vehicles plying for hire, 534, s. 154 (6)
(under Parts II. and VI.) to prevail if inconsistent with other regulations or by-law,
repealing provision, 433, 542, s. 2, sched. [478, 535, ss. 62, 156
road, closing of for races, 532, s. 153
damaging, 540, s. 178
definitions of (in Parts II., III., IV., V. and VI.), 434, 497, 502, 510, 514, ss. 4 (1),
road authority, definition of (in Part VII.), 536, s. 161 [71, 85, 108, 119
Royal Automobile Association, damaging sign, notice, etc., erected by, 540, s. 178
rules of court, appeals against decision of registrar as to driver's licence, 459, s. 32
saving provision (under Part II.), 481, s. 70
school, passing at greater speed than 25 miles per hour, 524, s. 133 (3) (4)
shoulders, definition of (in Part VII.), 536, s. 161
sign, dangerous, removal of, 534, s. 155
signal, by drivers and riders of vehicles or animals, 524, s. 134
silencer, upon motor vehicle, 464, s. 41
siren, restriction on use of, 464, 512, ss. 40 (3), 40a, 112b
soliciting instructions to make claim arising out of accident forbidden, 495, s. 70s
speed limit, excessive speed, what is deemed to be, 471, s. 43
exemption for road race, 532, s. 153
footway, crossing over, 523, s. 133 (1) (*a*)
intersection, driving across, 523, s. 132
driving around in metropolitan area, 132, s. 133 (2)
motor cycle with pillion passenger, 471, s. 43a
motor vehicle weighing more than 2 tons unladen, 539, s. 175
motor vehicle with metal tires on improved main road, 539, s. 176
motor vehicle with solid rubber tires, 539, s. 174
passing, school or playground, 524, s. 133 (3) (4)
stationary tramcar, 523, s. 133 (1) (*b*)
regulations as to, 477, s. 61 (1) II.
stop sign, at, 518, s. 130a
speedometer, evidence of accuracy, 535, s. 157 (3)
stock, exemption of, from Part VI., when travelling loose, 514, s. 119 (2)
stop sign, erection of at railway crossing, 520, s. 130b
erection of at road intersection or bridge, 518, s. 130a

ROAD TRAFFIC ACT, 1934-1938 (p. 432)—*continued.*

stop watch, evidence of accuracy, 535, s. 157 (3)
tractor, brakes, 467, s. 42a
caterpillar, driving on improved main road prohibited, 537, s. 166
definition of (in Part VII.), 537, s. 161
exemption from width of tires provisions, 503, s. 90
name and address of owner, weight unladen, and speed, painting of, 539, s. 177
registration of. *See* registration of motor vehicle
trader's plate, issue and use of, 453, s. 27
traffic, offences relating to. *See* offences and penalties
traffic directions, by police, 476, s. 60 (2)
traffic lines, on roads, 520, s. 130c
traffic signal, by drivers and riders of vehicles and animals, 524, s. 134
duty to obey, 516, s. 123
trailer, brakes, 467, s. 42a
definitions of (in Part II. and Part VI.), 434, 514, ss. 4 (1), 119
driver of motor vehicle to which attached deemed to be driving, 434, s. 4 (2)
licensing of (under Part III.), *See* licensing of vehicle
lights upon, 465, s. 42
number permitted to be drawn by motor vehicle or tractor, 528, s. 142
number plate to be carried on, 445, s. 13
registration of (under Part II.). *See* registration of motor vehicle
registration under Part II. to exempt from registration under other Parts, 452, s. 24
use on improved main road with metal tires forbidden, 539, s. 176 (2)
tramcar, overtaking, 517, s. 127
passing stationary at speed exceeding six miles per hour, 523, s. 133 (1)
right of way of at intersection, 521, s. 131 (2)
tricycle, bell upon, 512, 513, ss. 112b, 112c
brake upon, 512, s. 112a
definition of (in Part V.), 510, s. 108
lights to be carried on, 511, s. 110
tires, width of. *See* width of tires
towing, of vehicle, requirements of, 525, s. 135
vehicle, *see also* motor vehicle
carrying passengers or goods for hire, name and address of owner to be painted on, [539, s. 177
definitions of (in Parts III., IV., V. and VI.), 497, 502, 510, 514, ss. 71, 85, 108, 119
licensing. *See* licensing of vehicle
lights upon (other than motor vehicle) 510-512, ss. 109-111
maximum load upon. *See* width of tires
offences as to. *See* offences and penalties
plying for hire, inspection and certificate of safety of, 533, s. 154
production of to police, etc., 532, s. 152
removal of from road if unattended, 530, s. 150
width of tires. *See* width of tires
warning device, on bicycle and tricycle, 512, 513, ss. 112b, 112c
on motor vehicle, 463, 464, ss. 40, 40a
regulations as to, 477, s. 61 (1) III.
wheels. *See* width of tires
width, definition of (in Part IV.), 502, s. 85
width of load on motor vehicle, 528, s. 142
width of tires, authorised officer, appointment of by council or Minister, 505, s. 94
exemptions, 503, s. 90
maximum axle load for motor vehicle, 503, ss. 88-90
for non-mechanical vehicle, 502, 503, ss. 86, 87, 90
maximum weight, regulations may vary, 509, s. 103
rules for determining, 504, s. 92
metal tires, rules as to, 504, s. 93
offences as to. *See* offences and penalties
regulations, 508, 509, ss. 102, 103
vehicle and load to be weighed or measured if required, 505, 506, 507, ss. 96, 97, 101
vehicles may be stopped and questions asked, etc., 507, s. 99
weighing apparatus, regulations may prescribe, 508, s. 102
weighing machines, erection of by council or Minister, 505, s. 95
windscreen wiper, on motor vehicle, 470, s. 42b