

SOUTH AUSTRALIA

**RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT, 1927**

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being

River Torrens (Prohibition of Excavations) Act, 1927,  
No. 1789 of 1927 [Assented to 13 October 1927]

as amended by

Statute Law Revision Act, 1934, No. 2168 of 1934 [Assented to 15 November 1934]

River Torrens (Prohibition of Excavations) Act Amendment Act, 1972, No. 101 of 1972 [Assented to 9 November 1972]

**An Act to prohibit the digging of excavations near the banks of a certain portion of the River Torrens, 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:

**Short title**

1. This Act may be cited as the *River Torrens (Prohibition of Excavations) Act, 1927*.

**Prohibition of certain excavations**

2. (1) No person shall dig or excavate any hole in any land which is distant 15 metres or less from any portion of either of the outer banks of such portion of the River Torrens as lies between the bridge known as Taylor's Bridge and the junction with the River Torrens of the creek known as Breakout Creek.

(2) Every person who digs or excavates any hole in contravention of subsection (1) hereof, and also the owner of the land wherein the hole is dug or excavated, shall be liable to a penalty of not more than one hundred dollars.

(3) This section shall not apply—

- (a) to the digging or excavating of any hole which is dug or excavated after the consent in writing of the Minister has been obtained thereto:
- (b) to the digging or excavating of any well or bore, or to the digging or excavating of any posthole or foundation for any pumping plant, tank, or structure of any kind.

**Non-liability for compensation**

3. No owner of land to which this Act applies shall be entitled to compensation of any kind by reason of any restriction imposed upon the use of the land by reason of the operation of this Act.

**Preservation of existing liabilities of landowner**

4. If any owner of land to which this Act applies digs or excavates or suffers or permits to be dug or excavated any hole in contravention of this Act, he shall, in addition to any penalties imposed by this Act, also be liable for the payment of any damages consequent upon the said digging or excavating to which he would, by operation of law, have been liable if this Act had not been passed.

**Power to require filling of unauthorized holes**

5. (1) If any hole is dug or excavated in contravention of this Act, the Minister may give notice in writing to the owner of the land wherein the hole is dug or excavated requiring him to properly fill in the said hole.

(2) If within one month after the giving of notice as aforesaid the owner has neglected to fill in the said hole or to properly fill in the same, then the Minister may fill in the hole and may summarily recover the cost of so doing from the owner.

(3) The opinion of the Minister as to whether any hole is properly filled in or not shall be final and conclusive for all purposes.

(4) Any notice required to be given under this section may be given by post.

**Procedure**

6. All proceedings in respect of offences against this Act shall be disposed of summarily.

**Institution of proceedings**

7. (1) No proceedings in respect of any offence against this Act shall be taken without the consent in writing of the Minister.

(2) The said consent may be proved by the production of a notice to that effect purporting to be signed by the Minister.

**Facilitation of proof**

8. In any proceedings under this Act—

- (a) the allegation in the complaint that any land is distant 15 metres or less from any portion of the outer bank of any portion of the River Torrens to which this Act applies shall be *prima facie* evidence that the said land is so distant and that this Act applies to the said portion of the River Torrens:
- (b) the allegation in the complaint that a specified person was at a specified time the owner of a specified piece of land shall be *prima facie* evidence that the person was at the time alleged the owner of the said land:
- (c) the allegation in the complaint that the hole was dug or excavated in a specific piece of land shall be *prima facie* evidence that the hole was dug or excavated in the said land.

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