



ANNO VICESIMO PRIMO

GEORGII V REGIS. A.D. 1930.

No. 1992.

An Act to amend the Highways Acts, 1926 to 1929.

[Assented to, November 20th, 1930.]

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

1. (1) This Act may be cited as the "Highways Act, 1930". Short titles.
- (2) The Highways Acts, 1926 to 1929, and this Act may be cited together as the "Highways Acts, 1926 to 1930".
- (3) The Highways Act, 1926, is hereinafter referred to as "the principal Act". No. 1769 of 1926.
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.
3. Section 3 of the principal Act is amended so as to read as follows:— Amendment of principal Act, s. 3—
 3. (1) The Compulsory Acquisition of Lands Act, 1925, except sections 79, 80, 81, and 82 is incorporated with this Act. Incorporation of the Compulsory Acquisition of Lands Act, 1925.
 - (2) The Commissioner shall be regarded as the promoter of an undertaking and this Act as the Special Act within the meaning of the said incorporated Act.
4. Part II. of the principal Act is amended by inserting therein after section 20 the following section:— New section 20A—
 - 20A. (1) Without limiting the general powers of the Commissioner under the last preceding section, the Commissioner Powers to acquire land.
may

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may acquire any land or interest in land by agreement or compulsory process for any of the following purposes—

- (a) for use as a quarry or as a depot for storing plant or material required in connection with the construction and maintenance of roads or works, or as a site for the erection and maintenance of any plant used in connection with any quarry, or in connection with the construction and maintenance of any roads or works :
- (b) for obtaining therefrom any road metal, gravel, sand or other material used in the construction of roads or works :
- (c) for use in connection with any other operations which the Commissioner is authorised by this Act to carry out.

(2) The Town Planning Act, 1929, shall not apply in relation to any land acquired under this section.

Amendment of principal Act, s. 26 (1)—

Construction of roads in outside areas.

Amendment of principal Act—

Powers of Commissioner to open and close main roads.

5. Subsection (1) of section 26 of the principal Act (as enacted by section 3 of the Highways Act, 1929) is amended by striking out paragraph (1) of the proviso thereto.

6. The principal Act is amended by inserting therein after section 27 the following sections:—

27A. (1) The Commissioner may widen or make any deviation of any main road, and for the purpose thereof may acquire any land by agreement or compulsory process. The provisions of the Town Planning Act, 1929, shall not apply to any land acquired as aforesaid nor to any transfer or conveyance of any such land pursuant to this subsection.

(2) In addition to the powers conferred by subsection (1) hereof, the Commissioner shall have and may exercise in respect of the opening, alteration, or closing of, or addition to any main road and the disposal of any main road so closed, all the powers of a Council conferred by the Roads Act, 1884: Provided that if a main road or the portion thereof to be closed is within a District the consent of the Council thereof shall be obtained before the main road or the portion thereof is closed.

Minister for Local Government to be Commissioner of Main Roads.

27B. After the commencement of the Highways Act, 1930, the Minister for Local Government, in lieu of the Commissioner of Public Works, shall, for all purposes whatsoever, be the Commissioner of Main Roads and the Roads Act, 1884, and all other Acts shall be construed accordingly, and every right, liability, duty, obligation, matter, transaction or circumstance existing or pending at the commencement of the Highways Act, 1930, or arising thereafter shall have effect accordingly.

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7. Section 30 of the principal Act is amended by inserting after the word "proclamation" in the seventh line the passage "(not being a proclamation which re-enacts any other proclamation made under this section without making any alteration of the provisions thereof)".

Amendment of principal Act, s. 30—
Main roads schedule.

8. Part III. of the principal Act is amended by inserting therein, after section 31, the following section:—

New section 31A—

31A. Notwithstanding the provisions of section 31 of this Act or of section 17 of the Vehicles (Licensing) Act, 1925, from the date of the commencement of the Highways Act, 1930, until the expiration of two years after the said commencement, the Treasurer shall not be obliged to pay into the Main Roads Fund any moneys derived from the sources mentioned in paragraph (a) of subsection (1) of section 31 of this Act or from fees collected under the Vehicles (Licensing) Act, 1925, except the following amounts, namely:—

Restriction of amount payable into Main Roads Fund.

- (a) the moneys necessary to pay to the Treasurer the amounts due to him under paragraph (e) of subsection (1) of section 32:
- (b) the moneys necessary to pay to the Treasurer pursuant to paragraph (f) of subsection (1) of section 32 the interest on loans appropriated to main roads:
- (c) the sums payable to the Public Debt Commissioners pursuant to paragraph (g) of subsection (1) of section 32:

The Treasurer shall, however, during the period aforesaid, pay into the said Fund such additional moneys as are appropriated by Parliament for main roads. The balance of the moneys derived from the sources mentioned in paragraph (a) of subsection (1) of section 31 of this Act or from fees collected under the Vehicles (Licensing) Act, 1925, shall form part of the General Revenue of the State.

9. Section 39 of the principal Act is amended by inserting after the word "provided" in the second line thereof the words "out of moneys received by the State pursuant to any agreement with the Commonwealth relating to roads or".

Amendment of principal Act, s. 39—
Expenditure of Councils of public moneys.

10. Section 41 of the principal Act is amended—

- (a) by striking out the words "or traffic beacons" in the fourth and fifth lines thereof and by inserting in lieu thereof the words "traffic beacons, traffic signs, or direction signs";
- (b) by striking out the words "or traffic beacon" in the seventh line thereof and by inserting in lieu thereof the words "traffic beacon, traffic sign, or direction sign"; and

Amendment of principal Act, s. 41—
Highway lighthouses, &c.

(c) by

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

(3) If any highway lighthouse, traffic beacon, traffic sign, or direction sign erected, whether before or after the passing of the Highways Act, 1930, on any main road otherwise than pursuant to a licence granted by the Commissioner under subsection (1) hereof or, with the consent of the Commissioner, by the Council of the District within which the highway lighthouse, traffic beacon, traffic sign, or direction sign is erected under subsection (2) hereof, is used for any advertising purpose, the Commissioner or the Council may remove the same or cause the same to be removed and may, either summarily or by action in any Court of competent jurisdiction, recover the cost of so doing from the person who erected the highway lighthouse, traffic beacon, traffic sign, or direction sign, or from the person causing the same to be erected. The liability imposed upon such persons shall be joint and several.

(4) In any proceedings pursuant to subsection (3) hereof, proof that a person is either—

(a) the person who, or whose business is referred to in any advertisement upon the highway lighthouse, traffic beacon, traffic sign, or direction sign the subject matter of the proceedings; or

(b) the person who is registered under any Act of the Parliament of the Commonwealth as the proprietor of any trade mark used or referred to in any such advertisement,

shall be *prima facie* evidence that that person is the person who caused the highway lighthouse, traffic beacon, traffic sign, or direction sign to be erected.

Amendment of principal Act, s. 43—
Power to limit speed of certain vehicles.

11. Section 43 of the principal Act is amended by inserting after the word “traffic” where it occurs the second time in paragraph (e) the words “and the limitation of the speed of any classes or types of motor vehicles or of motor vehicles over any specified weight”.

Amendment of principal Act, s. 43 (2).

12. Section 43 of the principal Act shall be construed as if at the time of the passing thereof the words “recoverable summarily” had been inserted after the word “penalties” in subsection (2) of the said section.

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

A. HORE-RUTHVEN, Governor.