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**ELIZABETHAE II REGINAE**

A.D. 1960

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**No. 34 of 1960**

An Act to amend the Highways Act, 1926-1955.

[Assented to 3rd November, 1960.]

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

1. (1) This Act may be cited as the "Highways Act Amendment Act, 1960". Short titles.

(2) The Highways Act, 1926-1955, as amended by this Act, may be cited as the "Highways Act, 1926-1960".

(3) The Highways Act, 1926-1955, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 6 of the principal Act is amended—

(a) by inserting therein after the line "Part II.—Administration" the line "Part IIA.—Proclamation of controlled-access roads." Amendment of principal Act, s. 6.

(b) by striking out the word "main" in the passage commencing "Part III" therein.

4. Section 7 of the principal Act is amended by inserting therein after the definition of "Commissioner" the following definition :— Amendment of principal Act, s. 7.

"controlled-access road" means any road or part of any road or any land acquired by the Commissioner which is declared under this Act to be a controlled-access road.

Amendment of  
principal Act,  
s. 26b.

5. Section 26b of the principal Act is amended by striking out the word "main" (twice occurring) therein.

Enactment of  
Part IIA of  
principal Act—

6. The principal Act is amended by inserting therein after section 30 thereof the following heading and sections :—

PART IIA.

PART IIA.

*Proclamation of Controlled-Access Roads.*

Power to  
proclaim  
controlled-  
access roads.

30a. (1) The Governor may, on the recommendation of the Commissioner, by proclamation—

- (a) declare any road or part of any road or any land acquired by the Commissioner to be a controlled-access road ;
- (b) declare that any controlled-access road shall cease to be a controlled-access road ; or
- (c) make any alteration in any proclamation for the time being in force under this Part.

(2) Forthwith after the making of any proclamation under paragraph (a) of subsection (1) of this section the Commissioner shall forward by post to the Council of the district in which the controlled-access road is situated a copy of the proclamation and thereupon the Commissioner shall have and may exercise in respect of such controlled-access road all the powers for the purpose of construction, reconstruction, repair and maintenance which the said Council has or may exercise with respect to such road under any Act and the exercise by the said Council of any of the said powers shall be suspended except so far as the Commissioner may direct.

(3) Upon the making of any proclamation under paragraph (b) of subsection (1) of this section the powers of the Commissioner under subsection (2) of this section shall cease and revert to the council of the district concerned.

(4) Notwithstanding the provisions of the Local Government Act, 1934-1959, or of any other Act, it shall not be lawful without the consent in writing of the Commissioner to construct form or pave any means of access to or egress from a controlled-access road : Provided that the Commissioner shall not, except on payment of compensation as hereinafter provided, withhold such consent in any case where such construction, formation or paving has been commenced before the making of the proclamation in respect of such controlled-access road.

PART IIA.Provision for  
compensation.

30b. (1) Subject to the provisions of this section any person having any estate or interest in any land abutting on a controlled-access road which estate or interest is directly prejudiced by any restriction upon the use of such land resulting from the proclamation of such controlled-access road may recover from the Commissioner compensation for any loss or damage sustained by him by reason of such prejudice.

(2) Any question as to whether any compensation is payable or as to the amount of compensation payable under this Part shall, in default of agreement (which the Commissioner is hereby authorized to make) be determined by any Court having jurisdiction in personal actions to the amount claimed.

(3) Compensation under this section shall, subject to the provisions of this section, be a sum equal to the difference between the market value of the estate or interest in the land concerned prior to the proclamation of the controlled-access road concerned and the market value of the said estate or interest after such proclamation.

Provided that—

- (i) In assessing the market value of the estate or interest in the land as so prejudiced, there shall be taken into account any modifications of the prejudice by reason of any permission given by the Commissioner under this Part and any conditions attached to such permission, or by reason of any undertaking given by the Commissioner, and any such permission, conditions or undertaking shall be embodied in the award of compensation ;
- (ii) There shall be taken into account any benefit which may accrue to any land in which the claimant has an estate or interest by reason of the construction or improvement by the Commissioner or by any other person or authority, at any time after the date on and from which the limitation of access in question pursuant to this Part took effect, upon land adjacent to the land in respect of which compensation is claimed, of any road or any other way subsidiary to such a road, or by reason of the proclamation of the controlled-access road concerned.
- (iii) If the land has, since the date on and from which the limitation of access in question came into force, become or ceased to be separate from

other land, the amount of compensation shall not be enhanced by reason of its having so become or ceased. For the purposes of this paragraph land shall be deemed to be separate from other land when the person having the estate or interest therein in respect of which compensation is claimed has not the like estate or interest in the other land.

(4) Compensation under this section shall not be payable unless a claim therefor shall have been served on the Commissioner not later than twelve calendar months after the declaration of the controlled-access road.

Powers of  
Commissioner  
to erect  
notices and  
signs.

30c. In addition to the powers conferred by this Act and by sections 122b and 130c of the Road Traffic Act, 1934-1959, the Commissioner may erect notices of any kind and mark lines, words or signs on any part of any road for the purpose of indicating the division of the paved portion of that road into traffic lanes and for the direction and guidance of traffic.

Powers of  
Commissioner  
to erect  
fences and  
barriers.

30d. (1) In addition to the powers conferred by section 26a of this Act and notwithstanding the provisions of the Local Government Act, 1934-1959, the Commissioner may erect and maintain fences, walls, posts or barriers across any road for the purpose of preventing access to or egress from any controlled-access road.

(2) It shall not be lawful to enter or leave a controlled-access road except at such places as are provided for the purpose by the Commissioner.

Offences in  
relation to  
controlled-  
access roads.

30e. Any person who—

(a) enters or leaves a controlled-access road otherwise than at a place provided for the purpose by the Commissioner ;

(b) without the consent of the Commissioner constructs, forms or paves any means of access to or egress from a controlled-access road or does not comply with the conditions of any consent given in writing by the Commissioner ;

- (c) removes or damages any fence, wall, post, barrier or other impediment to the passage of traffic erected by the Commissioner across a road or upon any controlled-access road ;
- (d) obliterates, removes or damages any traffic sign or notice erected by the Commissioner ;
- (e) obliterates, removes or damages any lines, words or signs marked by the Commissioner upon any road ;
- (f) uses a controlled access road for movement of livestock except by transport in a motor vehicle in accordance with the provision of this Act and any regulations made in that behalf ;
- (g) uses a traffic lane of a controlled-access road for traffic otherwise than in accordance with the provisions of this Act and any regulation made in that behalf ;

shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

7. Subsection (1) of section 43 of the principal Act is amended by inserting therein at the end thereof the following paragraphs :—

Amendment of  
principal Act,  
s. 43.

- (f) the regulation of the speed of vehicles on controlled-access roads ;
- (g) the regulation, control or prohibition of the standing of vehicles on controlled-access roads ;
- (h) the control of the movement of vehicles on controlled-access roads ;
- (i) the prohibition of the use of controlled-access roads by pedestrians or animals ;
- (j) the control of the size, weight, power and type of vehicles using controlled-access roads.

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

J. M. NAPIER, Lieutenant-Governor.