



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 37 of 1970

An Act to amend the Highways Act, 1926-1969

[Assented to 3rd December, 1970]

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, 1970". Short titles.

(2) The Highways Act, 1926-1969, as amended by this Act, may be cited as the "Highways Act, 1926-1970".

(3) The Highways Act, 1926-1969, is hereinafter referred to as "the principal Act".

2. Section 20a of the principal Act is amended by inserting in subsection (1) immediately after paragraph (c) the following paragraph:— Amendment to principal Act, s. 20a—
Power to acquire land.

(d) for any purpose which in the opinion of the Commissioner is necessary or desirable to facilitate any scheme of road construction or development that may be undertaken by the Commissioner in the future.

3. The following section is enacted and inserted in the principal Act immediately after section 20b thereof:— Enactment of s. 20ba of principal Act—
Acquisition in case of hardship.

20ba. (1) The owner of any land may apply to the Minister for the grant, by the Minister, of a certificate in respect of that

land and, subject to this section, the Minister may grant such a certificate but no proceedings shall be instituted or heard in any court or tribunal in respect of the grant of such a certificate or the failure or refusal of the Minister to grant such a certificate.

(2) The Minister shall not grant a certificate in respect of any land unless, upon such evidence as he considers adequate, he is satisfied that—

(a) there is a possibility that the whole or part of the land may be required by the Commissioner for the purposes of this Act;

(b) by reason of that possibility the value of the land is adversely affected;

and

(c) by reason of the fact that the value of the land is adversely affected, the owner of the land has suffered or may suffer hardship.

(3) Upon a certificate being granted under subsection (1) of this section in respect of any land the Commissioner shall acquire that land and section 20a of this Act shall apply to and in relation to the acquisition by the Commissioner as if—

(a) the acquisition had been approved by the Minister;

and

(b) the land is to be acquired for use in connection with operations which the Commissioner is authorized by this Act to carry out.

(4) Nothing in this section shall be read as affecting, limiting or restricting any power or function in relation to land conferred on the Commissioner otherwise than under this section.

4. Section 23 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 23 of
principal Act
and enactment
of section in
its place—

Research, etc.
by Com-
missioner.

23. (1) The Commissioner may, subject to the approval of the Minister, engage in, or cause to be undertaken, research in relation to—

(a) the suitability of materials for road construction and maintenance;

(b) the extent of the resources of the State in such materials and the utilization of those resources;

and

(c) methods of road construction and maintenance suitable for the State or any part of the State.

(2) The Commissioner may, subject to the approval of the Minister, engage in, or cause to be undertaken, road planning and research including but without limiting the generality of the expression—

(a) the investigation of transport by road in relation to other means of transport;

and

(b) research into road safety, the design of vehicles and the behaviour of road users.

(3) The Commissioner shall make available for general information the results of research and experiments undertaken and made pursuant to this section in such manner and to such extent as the Minister directs.

5. Section 27b of the principal Act is amended by striking out from subsection (1) the word "main".

Amendment of principal Act, s. 27b—
Widening of roads.

6. Section 31 of the principal Act is amended—

(a) by striking out from paragraph (c) of subsection (2) the word "roads" and inserting in lieu thereof the passage "purposes of the Highways Fund";

and

(b) by inserting immediately after paragraph (g) in subsection (2) the following paragraph:—

(h) any other moneys received in repayment of moneys disbursed from the Highways Fund or otherwise received under this Act.

Amendment of principal Act, s. 31—
Highways Fund.

7. Section 32 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the word "main" twice occurring therein;

Amendment of principal Act, s. 32—
Application of Highways Fund.

(b) by striking out paragraph (f) from subsection (1) and inserting in lieu thereof the following paragraph:—

(f) in paying any grants, authorized by the Minister on the recommendation of the Commissioner to councils for roads (other than main roads);;

and

(c) by inserting in subsection (1) immediately after paragraph (h) the following paragraphs:—

(i) in repaying to the Treasurer moneys advanced by him in accordance with the terms of such repayment as from time to time agreed upon between the Treasurer and the Minister:

(j) in making advances on such terms and conditions as the Minister may approve for the purpose of assisting in the re-housing of persons dispossessed of housing as a consequence of works carried out or proposed to be carried out by the Commissioner:

(k) in repaying to the Treasurer amounts equal to the amounts expended by the Commissioner out of moneys provided by Parliament for the purpose of the purchase of land the whole or part of which was situated within the alignment of a road proposed in the Metropolitan Adelaide Transportation Study but not approved:

and

(l) in paying to the Treasurer such amounts not exceeding fifty cents for each licence issued under section 75 of the Motor Vehicles Act, 1959, as amended, in respect of which there has been paid a fee of three dollars, as may be appropriated by Parliament for the purposes of, or for purposes connected with road safety,;

Repeal of
s. 33 of
principal Act.

8. Section 33 of the principal Act is repealed.

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

J. W. HARRISON, Governor.