



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 47 of 1953.

An Act to amend the Highways Act, 1926-1949.

[Assented to 17th December, 1953.]

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, 1953".

(2) The Highways Act, 1926-1949, as amended by this Act, may be cited as the "Highways Act, 1926-1953".

(3) The Highways Act, 1926-1949, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
s. 8—
Administration
of Act.

2. Section 8 of the principal Act is amended by inserting after the word "shall" in the second line thereof the words ", subject to the Minister,".

Amendment of
principal Act,
s. 14—
Appointment of
employees.

3. Section 14 of the principal Act is amended by inserting after the word "may" in the first line of subsection (3) thereof the words ", subject to any direction of the Minister,".

Amendment of
s. 17 of
principal Act—
Duties of
officers.

4. Section 17 of the principal Act is amended by striking out the words "inspector, subject to the direction of" and by inserting in lieu thereof the words "officer who is so directed by".

Amendment of
principal Act,
s. 20—
General powers
of Commis-
sioner.

5. Section 20 of the principal Act is amended—

(a) by inserting before the word "purchase" in the third line thereof the words "subject to the approval of the Minister,";

- (b) by inserting after the word " may " in the seventh line thereof the words " , subject to the approval of the Minister," ;
- (c) by inserting before the word " acquire " in the first line of paragraph (b) of subsection (1) thereof the words " subject to the approval of the Minister," ;
- (d) by striking out subsection (2) thereof.

6. Section 20a of the principal Act is amended by inserting after the word " may " in the third line thereof the words " , subject to the approval of the Minister,".

Amendment of principal Act, s. 20a—
Power to acquire land.

7. Section 20b of the principal Act is amended by adding at the end thereof the words " and as is approved by the Minister ".

Amendment of principal Act, s. 20b—
Power to acquire excess land.

8. Section 20c of the principal Act is amended by inserting after the word " may " in the first line thereof the words " , subject to the approval of the Minister,".

Amendment of principal Act, s. 20c—
Power to take materials.

9. Section 22 of the principal Act is amended by inserting before the word " The " in the first line thereof the words " Subject to the approval of the Minister,".

Amendment of principal Act, s. 22—
Power to deal with plant.

10. Section 23 of the principal Act is amended by inserting after the word " shall " in the first line thereof the words " , subject to the approval of the Minister,".

Amendment of principal Act, s. 23—
Experiments by Commissioner.

11. Section 26 of the principal Act is amended by inserting before the word " The " in the first line thereof the words " Subject to the approval of the Minister,".

Amendment of principal Act, s. 26—
Powers as to roads and works.

12. Section 26a of the principal Act is amended by inserting before the word " The " in the first line thereof the words " Subject to the approval of the Minister,".

Amendment of principal Act, s. 26a—
Construction of kerbing, etc.

13. Section 27a of the principal Act is amended by inserting after the word " may " in the first line thereof the words " , subject to the approval of the Minister,".

Amendment of principal Act, s. 27a—
Opening and closing of roads.

14. Section 27b of the principal Act is amended—

(a) by inserting after the word " may " in the second line thereof the words " , with the consent of the Minister," ;

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

(b) by adding at the end of subsection (3) thereof the words " No such plan shall be adopted unless the Minister approves of the adoption thereof " ;

(c) by inserting after the word " may " in the second line of subsection (5) thereof the words " , subject to the approval of the Minister,".

Correction of error in numbering of s. 27c of principal Act.

15. Section 27c of the principal Act (as enacted by section 3 of the Highways Act Amendment Act, 1932) is amended—

(a) by striking out the number " 27c " in the first line thereof and by inserting in lieu thereof the number " 27ca ".

(b) by striking out the words " Commissioner of Crown Lands " in the penultimate line thereof and by inserting in lieu thereof the words " Minister of Lands ".

Amendment of principal Act, s. 28—

16. Section 28 of the principal Act is amended so as to read as follows :—

Annual report.

28. The Commissioner shall not later than the thirtieth day of September in every year present to the Minister a report upon the operation of this Act during the previous financial year. The report shall as soon as practicable after the receipt thereof be laid before both Houses of Parliament.

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

17. Section 32 of the principal Act is amended—

(a) by striking out the words " agreement with " in the second and third lines of paragraph (d) of subsection (1) thereof and by inserting in lieu thereof the words " Act of or agreement or arrangement with ";

(b) by inserting after the word " may " in the sixth line of paragraph (g) of subsection (1) thereof the words " , with the approval of the Minister,".

Amendment of principal Act, s. 35—

Allocation to and contributions by councils.

18. Section 35 of the principal Act is amended—

(a) by striking out the word " Commissioner " in the first line thereof and by inserting in lieu thereof the words " Minister, on the recommendation of the Commissioner," ;

(b) by striking out the word " Commissioner " in the second line of subsection (2) thereof and by inserting in lieu thereof the word " Minister " ;

(c) by striking out subsection (5) thereof.

Enactment of ss. 36b to 36e of principal Act—

Annual schedule of works.

19. The following sections are enacted and inserted in the principal Act after section 36a thereof :—

36b. (1) Before the commencement of every financial year the Commissioner shall prepare and submit to the Minister a schedule setting out—

- (a) the programme proposed for that financial year for the construction or re-construction of main and other roads and of any works connected with any such roads ;
- (b) the programme proposed for that financial year for the repair of main and other roads and for the repair or maintenance of any works connected with any such roads ;
- (c) the programme proposed for that financial year for any other works under this Act.

(2) The schedule shall give an estimate of the cost of what is proposed.

(3) From time to time during the financial year the Commissioner shall submit to the Minister any additions or alterations proposed to be made to the schedule aforesaid together with an estimate of the cost thereof.

(4) The Minister may approve of any such schedule or addition or alteration thereto, with such variations as the Minister thinks proper. If approval is given as aforesaid that approval shall, for the purpose of any provision of this Act under which the approval or consent of the Minister is required to the carrying out of any work, be sufficient approval or consent thereto.

36c. The Minister may direct that, before commencing any work under this Act, the Commissioner shall invite public tenders for the carrying out of the work, and if so directed, the Commissioner shall invite public tenders for the work.

Calling of
tenders.

36d. (1) The Minister may authorize the Commissioner to expend pursuant to this section an amount not exceeding five thousand pounds.

Power of
Minister to
authorize
expenditure
generally.

(2) If authority is given as aforesaid, then, notwithstanding anything to the contrary in this Act, the authority of the Minister so given shall be sufficient authority for the Commissioner to expend the sum authorized by the Minister or any part thereof for any purpose for which, under this Act, the Commissioner may expend money and no further authority or consent of the Minister and no further authority of any kind shall be required for the expenditure by the Commissioner.

(3) The power conferred on the Minister by this section may be exercised from time to time but so that the amount authorized by the Minister to be expended under this section but not expended shall not at any time exceed five thousand pounds.

Provision as
to approval of
Minister.

36e. Where under any provision of this Act, it is provided that the approval or consent of the Minister is required to the doing of any act by the Commissioner, the Minister may, if he thinks fit, from time to time give a standing approval or consent, subject to any conditions which he imposes, to the doing of such act and any act done by the Commissioner pursuant to any such standing approval or consent shall not require any further approval or consent of the Minister.

Amendment of
principal Act,
s. 37—
Duties of
councils.

20. Section 37 of the principal Act is amended by striking out the word "Commissioner" wherever it appears in subsection (4) thereof and by inserting in lieu thereof in any case the word "Minister".

Amendment of
principal Act,
s. 38—
Neglect by
councils.

21. Section 38 of the principal Act is amended—

- (a) by inserting after the word "may" in the eighth line thereof the words ", with the approval of the Minister," ;
- (b) by inserting after the word "may" in the fifth line of subsection (2) thereof the words, " with the approval of the Minister," ;
- (c) by inserting after the word "may" in the third line of subsection (3) thereof the words " with the approval of the Minister,".

Amendment of
principal Act,
s. 39—
Expenditure by
councils.

22. Section 39 of the principal Act is amended—

- (a) by striking out the words "agreement with" in the third line thereof and by inserting in lieu thereof the words "Act of or agreement or arrangement with".
- (b) by inserting after the word "Commissioner" in the penultimate line thereof the words ", with the approval of the Minister," ;
- (c) by striking out the words "to his approval" in the last line thereof and by inserting in lieu thereof the words "to the approval of the Commissioner".

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

R. A. GEORGE, Governor.