No. 1517.

An Act to repeal the Lodging-house Act and the Lodging-house Amendment Act, 1879, and to amend the District Councils and Corporations Subsidy Act, 1890, and to further amend the Municipal Corporations Acts, and the Land Value Assessment Acts, and for other purposes.

[Assented to, December 6th, 1922.]

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

1. This Act may be cited as the "Municipal Corporations Act Further Amendment Act, 1922."

2. This Act is incorporated with the Municipal Corporations Act, 1890 (hereinafter referred to as "the principal Act"), and the Acts incorporated therewith, and those Acts and this Act shall be read as one Act.

3. The Lodging-house Act and the Lodging-house Amendment Act, 1879, are hereby repealed.

4. Section 7 of the District Councils and Corporations Subsidy Act, 1890, is amended by inserting after the word "grant" in the sixth line thereof the following passage:—"Provided that in any Municipality in which Part II. of the Land Value Assessment Act, 1893, is in operation the grant to the Corporation of such Municipality shall be an amount equal to Five Shillings in the pound on the amount of any general rates (not exceeding Three Pence in the pound) declared on the assessment during any one year and actually collected by the Corporation claiming such grant."

5. Section
5. Section 10 of the District Councils and Corporations Subsidy Act, 1890, is hereby repealed.

6. Notwithstanding any provision to the contrary in any special or general Act, the exceptions relating to any building belonging to an academical institution, and to any building or part of a building used exclusively as a school, whether private or public, contained in the definition of "ratable property" in section 6 of the principal Act, shall not extend to lands and buildings, or parts of lands and buildings, used for the purposes of any school, college, or academical institution which charges fees for education or instruction: Provided that the rates payable in respect of any lands or buildings, or parts of lands or buildings, which but for this section would not be ratable property within the meaning of the principal Act, shall be one quarter of the rates that would be payable in respect of such lands or buildings, or parts of lands or buildings, if the same were fully ratable: Provided also that nothing in this section contained shall affect the ratability or otherwise of lands belonging to or used for the purposes of the University of Adelaide.

7. Section 30 of the principal Act is amended by adding at the end thereof the following passage:—Provided that, as regards any Municipality in which Part II. of the Land Value Assessment Act, 1893, is in operation, no person shall be entitled to vote at a meeting or poll of citizens to consent to a loan or rate or a poll under section 6 of the Municipal Corporations Act Further Amendment Act, 1912, unless his name is inserted in the assessment as the owner of ratable property within such Municipality.

8. Notwithstanding anything contained in section 87 of the principal Act, it shall not be necessary for the Corporation before demising or letting any lands, tenements, or hereditaments under that section to offer such lands, tenements, or hereditaments by public tender or public auction if the demise or letting is not on a building lease, and the term for which such lands, tenements, or hereditaments is let or demised does not exceed five years.

9. The principal Act is amended by inserting therein after section 125 the following new section:—

125A. (1) Where a petition is presented to the Council by the owners of not less than two-thirds of the frontage of ratable property abutting on any public street requesting the Council to make such public street and charge half the cost thereof to the owners of ratable property abutting thereon, the Council may make such street and recover one-half of the cost thereof from the several owners of the ratable property abutting on such street and being within the Municipality ratably according to the frontages of such property abutting on such street.

(2) The
(2) The said half cost, or any part thereof, may be collected, and shall be recoverable ratably from each person liable, by any collector of rates or duly authorised officer of the Corporation, or payment thereof may be ordered by the Council by writing under the hand of the mayor or town clerk, and, until fully paid or recovered, the respective proportions shall be a charge upon the land by virtue of the ownership whereof the same became payable, notwithstanding any change in the ownership thereof or any part thereof.

(3) In this section "street" shall include "portion of a street".

(4) The powers conferred by this section on the Council shall be in addition to any other powers of the Council contained in this Act relating to the making of public streets.

10. Sections 127 and 128 of the principal Act are hereby repealed and the following sections enacted in lieu thereof:

127. It shall be lawful for the Council to use in the construction, maintenance, or repair of any street within the Municipality, any plant or machinery necessary for the purpose, and to travel any machinery, howsoever propelled, along the streets to and from the place of operations: Provided that barriers shall be erected wherever practicable and not inconvenient at the ends and intersections of streets where operations are being carried on to prevent ingress or egress during the time such street is undergoing construction, maintenance, or repair.

128. It shall be lawful for any Council which engages to do any street construction or repairing for the Council of any other Municipality or other body to travel its machinery howsoever propelled, through the streets of its own and any other Municipality or body at all times for the purpose of carrying out such construction or repairs.

11. Sections 130 and 131 of the principal Act are hereby repealed.

12. Section 147 of the principal Act is amended by striking out the words "or of a Corporation and District Council" in the third line, the words "or Council" and "or District Council" wherever they occur in the said section, and the words "or Corporation and District Council" in the twelfth line.

13. The principal Act is amended by inserting after section 152 the following new section:

152a. (1) For the purpose of enabling the Council to execute and complete any drainage work under section 152, the Council doing as little damage as may be, may construct or lay at and along the natural outfall of the water as shaped by the intervention of any houses, buildings, or other like structures, and through
through any lands lying between the street, court, alley, or right-of-way to be drained and the nearest public sewer, drain, or channel used for the discharge of surface or storm waters a pipe drain or channel suited for the purpose of draining such street, court, alley, or right-of-way.

(2) Such pipe drain or channel shall not pass through any building or other like structure.

(3) Such pipe drain or channel shall, at the desire and request of any owner of land through which it passes, descend and fall into any pipe drain or channel already upon such land and available for the reception of surface or storm waters and lying along the natural outfall aforesaid.

(4) The Council shall not construct or lay any pipe drain or channel through or under any private land otherwise than according to the provisions of Part XII. of this Act except with the consent of the owner.

(5) Any compensation payable by the Council to any person or persons in consequence of the laying or construction of any pipe channel or drain through or under private land shall be deemed to be portion of the expenses incurred by the Council within the meaning of section 152.

14. Section 209 of the principal Act is amended so as to read as follows:

209. (1) If any building wall or anything affixed or attached thereto is in a ruinous or dangerous condition so as, in the opinion of the surveyor, to render either the occupiers of adjoining buildings or any other persons liable to injury in any way therefrom, the surveyor may cause a hoarding or fence for preventing nearer approach thereto than is safe to be forthwith erected, and take such other measures of protection as the exigency of the case in his discretion demands.

(2) If the circumstances so admit he shall cause notice in writing to be served on the owner or occupier of the premises, or, if such owner or occupier cannot be found, to be fixed on the door or other conspicuous part thereof, requiring such ruinous or dangerous building wall or other thing to be taken down, repaired, or secured, as the case may require, within such time as the surveyor deems necessary.

(3) If such taking down, repairing, or securing is not completed to the satisfaction of the surveyor within the time prescribed by such notice, the Council may cause such building wall or other thing to be taken down, repaired, rebuilt, or otherwise secured in such manner as is requisite.

(4) The expenses to the Council of putting up any hoarding or fence and of taking down, repairing, rebuilding, or securing such building wall or other thing under this section, shall be
paid, upon the order of the Council by writing under the hand of the mayor or town clerk, by such owner or occupier to the Corporation, and may be recovered by the Council by any process by which rates in arrear may be recovered, and, until fully paid or recovered, such amount shall be a charge upon the land whereon such building wall or other thing is or was situated notwithstanding any change in the ownership thereof.

15. Part VII. of the principal Act is amended by inserting therein after section 220 the following new section:—

220A. (1) The Council may, by notice in writing to the owner or occupier of any land within the Municipality through which any creek or waterway runs, request such owner or occupier—

(a) to remove from such creek or waterway any trees, logs, timber, brushwood, debris, or other obstructions to the free flow of water therein:

(b) to fill up in a good and sufficient manner any holes or places therein where water is likely to accumulate and become stagnant.

(2) If the owner or occupier fails to comply with such request within the time specified in such notice the Council may enter upon such land and execute the work mentioned or referred to in such notice.

(3) The expense incurred by the Council in so doing shall be paid, upon the order of the Council by writing under the hand of the mayor or town clerk, by such owner or occupier to the Corporation, and may be recovered by the Council by any process by which rates in arrear may be recovered, and, until fully paid or recovered, such amount shall be a charge upon such land notwithstanding any change in the ownership thereof.

16. Section 221 of the principal Act is amended by adding at the end thereof the words "and of any other Act for the time being in force under or by virtue of which the Council is required or permitted to expend or lay out moneys ".

17. Section 238 of the principal Act (as amended by the Municipal Corporations Act Amendment Act, 1914) is amended so as to read as follows:—

238. (1) The Council may (in addition to the rate authorised by the Health Act, 1898), from time to time, declare a general rate on the property included in such assessment as aforesaid.

(2) Such general rate shall not in any one year exceed in the aggregate Three Shillings in the pound.

(3) The
(3) The moneys derived from such general rate shall be applied for or towards all or any of the following purposes, namely:

(a) the general purposes of this Act:

(b) lighting the Municipality:

(c) the improvement and ornamentation of the park lands, squares, or reserves of the Municipality:

(d) if the Fire Brigades Act, 1913, does not apply in the Municipality, defraying the cost of the upkeep of any volunteer fire brigade which is registered under that Act.

18. Section 240 of the principal Act is amended by substituting “Four” for “Two” in the eleventh line thereof.

19. Section 263 of the principal Act is amended by substituting the word “two” for the word “one” in the twelfth line, and the word “one” for the words “half a” in the fifteenth line.

20. Section 276 of the principal Act is further amended by substituting the words “Seven and a half” for the word “Six” in the fifth line thereof.

21. Section 285 of the principal Act is amended by inserting the words “or any other” after the word “this” in the fourth line thereof.

22. Section 290 of the principal Act is amended by substituting the words “thirty-first day of December” in the sixth and seventh lines.

23. Section 307 of the principal Act is further amended by striking out the word “and” in the fifth line and the words following up to and inclusive of the word “Act” in the tenth line.

24. The Schedule of Penalties to section 307 of the principal Act is amended as follows:

(a) By striking out the two paragraphs under the heading “Conveyances”:

(b) By striking out the first and second paragraphs under the heading “Polls”:

(c) By striking out the first paragraph under the heading “Sewers” and the words “The Corporation or their” in the first line of the second paragraph under the said heading:

(d) By striking out the eighth and ninth paragraphs under the heading “Streets and Footways”.

25. Section
25. Section 314 of the principal Act is further amended—

(a) By inserting between the paragraph relating to lighting of a street or district and the paragraph relating to marine store dealers the following paragraph—

For controlling licensing, inspecting, and regulating common lodging-houses.

(b) By inserting after the word “passengers” in the fifth paragraph relating to passenger and other vehicles plying for hire, the words “and goods”.

(c) By inserting after the paragraph “For issuing licences to slaughter-houses and regulating the fees payable therefor, or for slaughtering cattle” the following paragraph—

Except as regards any Municipality or part of a Municipality within the Metropolitan Abattoirs Area under the Metropolitan Abattoirs Act, 1908, or within any Abattoirs Area proclaimed under the Abattoirs Act, 1911, for regulating the control, management, and supervision of abattoirs erected by the Corporation, and the receiving, inspection, and slaughtering therein of stock; the condemnation, removal, or destruction of diseased meat; the appointment of inspectors; and the payment of fees, travelling expenses, and charges.

26. Subdivision III. of section 380 of the principal Act is hereby repealed.

27. Section 381 of the principal Act is amended as follows:

1. By adding at the end of subdivision ix. the words “and shall be liable to a penalty of not more than Fifty Pounds, or to imprisonment with or without hard labor for any term not exceeding six months”:

11. By inserting after the word “eyesight” in the second line of subdivision x. the words “or other affliction”:

111. By adding at the end of subdivision xii. the words “and shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment with or without hard labor for any term not exceeding six months”:

1v. By striking out from subdivision xiii. the words “upon conviction shall be imprisoned” in the fourth and fifth lines, and substituting therefor the words “shall be liable to a penalty not exceeding Fifty Pounds or to imprisonment with or without hard labor”.

28. Section
28. Section 16 of the Land Value Assessment Act, 1893, is hereby repealed.

29. Section 22 of the last-mentioned Act is amended—

(a) by inserting after the word “and” in third line thereof the following passage:—“except where a note in accordance with section 224 of the Municipal Corporations Act, 1890, has been left with the owner or occupier of the property assessed”; and

(b) by substituting the word “fourteen” for the words “twenty-one” in the fifth line thereof;

(c) by adding at the end of the said section the following passage:—“Provided that it shall not be necessary to post or deliver such notice to any person appearing in the Assessment Book as the owner or occupier of any property any previous assessment relating to which has pursuant to subsection (1) of section 3 of the Land Value Assessment Act Amendment Act, 1910 (as amended by section 46 of the Municipal Corporations Act Amendment Act, 1914) been adopted by the Council without any alterations or additions.”

30. Section 24 of the Land Value Assessment Act, 1893, is amended by adding the following subdivision thereto:—

111. This section shall not apply where the alteration or reduction by the Commissioner of Taxes or under the order of a Court in pursuance of the Taxation Act, is made in the land value of ratable property situated within any Municipality in which the assessment for the time being in force has been made by the Council pursuant to section 3 of the Land Value Assessment Act Amendment Act, 1910, without adopting the Government assessment.

31. Section 34 of the Land Value Assessment Act, 1893, is amended—

(a) By substituting for the passage “224 to 240 inclusive” in the fifth line, the passage “224 to 230 inclusive, 238, 239, 240”;

(b) By striking out the words “and the Fourth and Fifth Schedules” in the fifth and sixth lines thereof; and

(c) By substituting “Two Pence” for “One Penny” in the ninth line thereof.

32. Section 37 of the Land Value Assessment Act, 1893 (as amended by the Land Value Assessment Act Amendment Act, 1910), is hereby amended so as to read as follows:—

37. (1) The Council may from time to time declare a general rate on the property included in the assessment.

(2) Such
Municipal Corporations Act Further Amendment Act.—1922.

(2) Such general rate shall not in any one year exceed in the aggregate One Shilling in the pound of assessed value.

(3) The moneys derived from such general rate shall be applied for or towards all or any of the following purposes, namely:

(a) the general purposes of the Municipal Corporations Act, 1890:

(b) carrying out the purposes and provisions of the Health Act, 1898, and any other Act now or hereafter requiring or authorising a rate to be declared made or levied by the Council:

(c) lighting the Municipality:

(d) the improvement or ornamentation of the park lands, squares, or reserves of the Municipality:

(e) if the Fire Brigades Act, 1913, does not apply in the Municipality, defraying the cost of the upkeep of any volunteer fire brigade which is registered under that Act.

33. Subsection (3) of section 39 of the Land Value Assessment Act, 1893 (as enacted by section 6 of the Land Value Assessment Act Amendment Act, 1910), is amended so as to read as follows:—

(3) As regards any other Corporation the amount in the pound of such special rate together with the amount in the pound of the general rate declared under subsection (1) of section 37 of this Act shall not in any one year exceed One Shilling and Three Pence in the pound of assessed value.

34. The First Schedule to the Land Value Assessment Act, 1893, is hereby repealed.

35. Sections 10 and 11 of the Municipal Corporations Amendment Act, 1903, are hereby repealed.

36. The Municipal Corporations Amendment Act, 1903, is amended by inserting therein after section 13 the following new section:

13A. Notwithstanding anything contained in section 13 of this Act, in any Municipality in which Part II. of the Land Value Assessment Act, 1893, is in operation—

(a) The amount of money borrowed under section 13 shall never at any time exceed the amount which would result from a rate of One Shilling in the pound on the assessed value of the ratable property within the Municipality:

(b) The
Amendment of ibid., s. 14.

37. Section 14 of the Municipal Corporations Amendment Act, 1903, is further amended by adding at the end of paragraph xi. thereof the following passage:—“and the construction, purchase, or erection of machinery or plant to be used for the purpose of quarrying or crushing, or purposes incidental thereto”.

Amendment of ibid., s. 15.

38. Section 15 of the Municipal Corporations Amendment Act, 1903, is amended by striking out subdivision iv. thereof.

Amendment of ibid., s. 32.

39. Section 32 of the Municipal Corporations Amendment Act, 1903, is amended by striking out the words “or trustees” in the second line thereof, and the words “or the trustees” in the third line thereof.

Amendment of 1183, 1914, s. 36 (1).

40. Subsection (1) of section 36 of the Municipal Corporations Act Amendment Act, 1914, is amended by inserting therein the following new paragraph after paragraph v.:

va. To authorise the erection and maintenance in any street or road of such barriers, posts, rails, notice boards, and other structures as the Council may think proper for the purpose of securing and enforcing the observance of any by-law made under paragraphs i. to v. (both inclusive) of this subsection, and for preventing the destruction, removal, or interference with any such barrier, post, rail, notice board, or other structure.

Repeal of 1183, 1914, s. 36 (2) and ss. 47 and 48.

41. Subsection (2) of section 36 and sections 47 and 48 of the Municipal Corporations Act Amendment Act, 1914, are hereby repealed.

42. (1) When any land adjoining or abutting upon any public or private street is not fenced in or enclosed to the satisfaction of the Council, the Council may, by writing under the hand of the mayor or town clerk, order that such land, so far as it adjoins or abuts upon such public or private street—

(a) be enclosed with a substantial fence of posts and rails or posts and wires, as the Council shall determine; or

(b) in order to prevent drift sand, soil, or other material from being carried on to any public or private street, be enclosed by a close and sufficient fence of not less than five feet in height.

(2) If
(2) If the owner of such land neglects or fails to enclose such land in the manner prescribed by such order within two months after the service thereof upon him the Council may fence in and enclose such land, or such parts thereof as have not been enclosed.

(3) The Council may order payment by the owner of the expenses thereby incurred, by writing under the hand of the mayor or town clerk, and the amount of such expenses shall be recoverable by the Council by any process by which rates in arrear may be recovered, and, until fully paid or recovered, such amount shall be a charge upon such land, notwithstanding any change in the ownership thereof or of any part thereof.

43. The imposition by the principal Act or any of the Acts incorporated therewith of any penalty or punishment for any offence shall not prevent any person from being liable to be indicted, prosecuted, or proceeded against for any offence under this or any other Act or otherwise, so long as he be not punished twice for the same offence.

44. Notwithstanding any provision to the contrary in any special or general Act, the exception relating to land used solely for educational purposes contained in the definition of "ratable property" in section 13 of the Land Value Assessment Act, 1893, shall not extend to lands and buildings, or parts of lands and buildings, used for the purposes of any school, college, or academical institution which charges fees for education or instruction: Provided that the rates payable in respect of any lands or buildings, or parts of lands or buildings, which but for this section would not be "ratable property" within the meaning of the Land Value Assessment Act, 1893, shall be one quarter of the rates that would be payable in respect of such lands or buildings, or parts of lands or buildings, if the same were fully ratable: Provided also that nothing in this section contained shall affect the ratability or otherwise of lands belonging to or used for the purposes of the University of Adelaide.

45. (1) Where the Council pursuant to section 14 of the Land Value Assessment Act, 1893, has caused to be made an assessment adopting the Government assessment as to land values, any person may appeal against such assessment on any of the grounds mentioned in section 231 of the principal Act, except those relating to the value of the property assessed.

(2) Where the Council has made or caused to be made a fresh assessment under subdivision II. or III. of section 14 of the Land Value Assessment Act, 1893, any person may appeal against such assessment.

(3) Except as mentioned in subsection (1) of this section, the provisions of sections 231 to 237, inclusive, of the principal Act shall apply to appeals made under this section: Provided that where it is necessary to post or deliver a notice under section 22 of the Land Value Assessment Act, 1893 (as amended by this Act), the notice required
required under section 233 of the principal Act to be lodged at the
town clerk's office shall be so lodged within twenty-one days after
the publication of the notice of the assessment and the appeal shall
be heard by the Council within twenty-eight days next after the
said publication of the notice of the assessment.

46. (1) Any by-law made under section 314 of the principal
Act, or section 23 of the Municipal Corporations Amendment Act,
1903, or section 36 of the Municipal Corporations Act Amendment
Act, 1914, may be made to apply to the whole or any specified part
of the Municipality, and, unless otherwise provided or clearly in-
tended, shall apply to the whole Municipality.

(2) Any by-law made under any of the said sections with respect
to streets or roads may be made to apply either to all streets and
roads, or to any specified streets and roads, or parts of specified
streets and roads, and either at all times or during specified times;
and, unless otherwise provided or clearly intended, shall apply to
all streets and roads and to the whole thereof and at all times.

Private Hospitals and Maternity Homes.

47. (1) Notwithstanding anything contained in section 146 of
the Health Act, 1898, no person shall establish a private hospital
or maternity home (not being a "hospital" within the meaning of
section 38 of the Municipal Corporations Act Amendment Act,
1914) at any place within a Municipality until after the expiration
of three months from his giving to the Council of such Municipality
a notice in writing stating—

(a) the intention to establish the private hospital or maternity
home:

(b) the proposed site thereof:

(c) the purpose for which such private hospital or home is to
be used:

(d) the name and address for service of the person intending
to establish such private hospital or home.

(2) Such notice shall be accompanied by a plan which shall
show—

(a) the size and height of the rooms of the proposed private
hospital or home; and

(b) the distance of the said private hospital or home from the
nearest building on each side thereof.

(3) The person intending to establish such private hospital or
home shall, for six weeks immediately after giving the said notice,
cause a copy of such notice to be affixed and kept affixed on a
board or prominent position on the site of the said proposed private
hospital or home in such a position that it can be read by persons
passing along the footway in front of the proposed private hospital
or home.

(4) Within
(4) Within six weeks after the receipt of the notice mentioned in subsection (1) hereof any owner or occupier of ratable property in the neighborhood of the said proposed private hospital or home may present a petition to the Council praying that the proposed private hospital or home may be prohibited.

(5) Within three months after the receipt of the notice mentioned in subsection (1) the Council may (whether a petition has been presented under subsection (4) or not) if it is of opinion that the proposed private hospital or home is unsuitable, or that its existence would be likely to be injurious or detrimental to the health, welfare, or comfort of the inhabitants in the neighborhood of the proposed private hospital or home, by notice under the hand of the town clerk served on the person named in the notice under subsection (1), prohibit the establishment of the said private hospital or home. Such notice by the Council shall be deemed to be duly served if served on the said person personally or left at the address for service stated in the notice under subsection (1) hereof.

(6) If any person establishes a private hospital or home contrary to the provisions of subsection (1) hereof, or without furnishing the plan mentioned in subsection (2) hereof, or without having affixed and kept affixed the copy of the notice in accordance with subsection (3) hereof, or after service upon him of a notice under subsection (5) hereof, he shall be liable to a penalty of Twenty Pounds, and to a further penalty of Two Pounds for every day during which the breach continues.

Tramways, Etc.

48. (1) A Council may, with the consent of the Minister, construct, maintain, manage, and work any tramways, aerial tramways, steel tracks, and other works upon, across, under, or over any street within the Municipality.

(2) Such consent of the Minister may be given upon and subject to such conditions, reservations, restrictions, and stipulations as the Minister thinks proper.

(3) Save in so far as any conditions, reservations, restrictions, and stipulations under and subject to which any such consent is given by the Minister are not complied with and observed by the Council, any Council constructing, maintaining, managing, or working any tramway, aerial tramway, steel track, or other work upon, across, under, or over any street under the authority of this section shall not be liable in any action or proceeding, whether for nuisance or otherwise, by reason only of the existence, managing, or working of such tramway, aerial tramway, steel track, or other work.

49. (1) A Council may, with the consent of the Minister, grant to any person desirous of constructing and working tramways, aerial tramways, steel tracks, or any other work for the conveyance of agricultural products, minerals, timber, or other things, a permit to construct
Construct, manage, and work such tramway, aerial tramway, steel track, or work, or part thereof, upon, across, under, or over any street within the Municipality.

(2) Such permit shall not be granted for any period exceeding nine years; but, with the consent of the Minister, may be renewed from time to time for any further period not exceeding nine years from the time of such renewal.

50. (1) If a Council, for six months after any application for any such permit as mentioned in section 49 is made to it, refuses or neglects to grant the permit, the applicant for such permit may appeal to the Minister by memorial setting out the facts and the grounds of the appeal.

(2) The Minister shall hear and determine such appeal in such manner as he thinks just, and may for that purpose appoint any officer to hold an inquiry into the matter and make a report to him, and may act on such report. The Council shall be entitled to be heard on such appeal.

(3) If the Minister allows such appeal, he shall give such directions as he thinks fit for carrying the same into effect, and such directions shall be complied with by the Council and all parties concerned.

51. Any such permit granted under section 49 shall be granted subject to such conditions, reservations, restrictions, and stipulations as the Council, with the approval of the Minister, thinks proper.

52. Any permit granted under section 49 shall be sufficient authority for the person to whom it is granted to construct, maintain, manage, and work the tramway, aerial tramway, steel track, or other work specified in the permit subject to the conditions, reservations, restrictions, and stipulations subject to which such permit is granted, and save in so far as such conditions, reservations, restrictions, and stipulations are not complied with and observed by the person to whom such permit is granted, such person shall not be liable in any action or proceeding, whether for nuisance or otherwise, by reason only of the existence, managing, or working of such tramway, aerial tramway, steel track, or other work.

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

TOM BRIDGES, Governor.