



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 56 of 1976

An Act to amend the Metropolitan Adelaide Road Widening Plan Act, 1972.

[Assented to 11th November, 1976]

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 "Metropolitan Adelaide Road Widening Plan Act Amendment Act, 1976".

(2) The Metropolitan Adelaide Road Widening Plan Act, 1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Metropolitan Adelaide Road Widening Plan Act, 1972-1976".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3—
Definitions.

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "building work" and inserting in lieu thereof the following definition:—

"building work" means—

(a) any work that is for the time being building work within the meaning of the Building Act, 1970-1976;

and

(b) any other work that may be prescribed,

but does not include any work or any work of a class or kind for the time being declared by the Minister under subsection (2) of this section not to be building work for the purposes of this Act;;

(b) by inserting after the definition of "Council" the following definition:—

"land to which this Act applies" means land to which, pursuant to section 4 of this Act, this Act for the time being applies;;

(c) by striking out the definition of "structure";
and

(d) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The Minister may by notice in the *Gazette* declare any work not to be building work for the purposes of this Act and may by notice published in a like manner amend, vary or revoke any such declaration.

4. Section 4 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 4—
Application of
Act.

(1) This Act shall apply to all land shown on the Plan as possibly required for road widening and all land within six metres of the boundary of that land.

(1a) This Act shall cease to apply to any land referred to in subsection (1) of this section when—

(a) a plan is deposited under section 27b of the Highways Act, 1926-1975, relating to that land;

or

(b) that land is otherwise acquired by the Commissioner for road widening purposes,

whichever event first occurs.

5. Section 6 of the principal Act is amended—

(a) by striking out the word and symbol "applies—" and inserting in lieu thereof the word and symbol "applies.";

and

(b) by striking out paragraphs (a) and (b).

Amendment of
principal Act,
s. 6—
Certain
building work
not to be
carried out
without
consent of
Commissioner.

6. Section 7 of the principal Act is amended by striking out the passage "pursuant to subsection (5) of section 27b of the Highways Act, 1926-1972" and inserting in lieu thereof the passage "for road widening purposes".

Amendment of
principal Act,
s. 7—
Effect of
building work
carried out in
contravention
of s. 6.

7. Section 8 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 8—
Application for
consent, etc.

(5) In any proceedings arising from a claim for compensation in respect of land acquired by the Commissioner for road widening purposes it shall lie upon the claimant to prove that any building work referred to in section 7 of this Act was carried out with the consent of the Commissioner.

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

M. L. OLIPHANT, Governor