



ANNO DECIMO OCTAVO

# GEORGII V REGIS.

A.D. 1927.

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## No. 1789.

An Act to Prohibit the Digging of Excavations near the Banks of a certain portion of the River Torrens, and for other purposes.

*[Assented to, October 13th, 1927.]*

**B**E 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 "River Torrens (Prohibition of Excavations) Act, 1927." Short title.

2. (1) No person shall dig or excavate any hole in any land which is distant fifty feet or less from any portion of either of the outer banks of such portion of the River Torrens as lies between the lines shown in the plan in the Schedule hereto and therein respectively marked "A" and "B". Prohibition of certain excavations.

(2) Every person who digs or excavates any hole in contravention of subsection (1) hereof, and also the owner of the land wherein the hole is dug or excavated, shall be liable to a penalty of not more than Fifty Pounds.

(3) This section shall not apply—

(a) to the digging or excavating of any hole which is dug or excavated after the consent in writing of the Minister has been obtained thereto :

(b) to the digging or excavating of any well or bore, or to the digging or excavating of any posthole or foundation for any pumping plant, tank, or structure of any kind.

3. No owner of land to which this Act applies shall be entitled to compensation of any kind by reason of any restriction imposed upon the use of the land by reason of the operation of this Act. Non-liability for compensation.

4. If

*River Torrens (Prohibition of Excavations) Act, 1927.*

Preservation of existing liabilities of land owner.

4. If any owner of land to which this Act applies digs or excavates or suffers or permits to be dug or excavated any hole in contravention of this Act, he shall, in addition to any penalties imposed by this Act, also be liable for the payment of any damages consequent upon the said digging or excavating to which he would, by operation of law, have been liable if this Act had not been passed.

Power to require filling of unauthorised holes.

5. (1) If any hole is dug or excavated in contravention of this Act, the Minister may give notice in writing to the owner of the land wherein the hole is dug or excavated requiring him to properly fill in the said hole.

(2) If within one month after the giving of notice as aforesaid the owner has neglected to fill in the said hole or to properly fill in the same, then the Minister may fill in the hole and may summarily recover the cost of so doing from the owner.

(3) The opinion of the Minister as to whether any hole is properly filled in or not shall be final and conclusive for all purposes.

(4) Any notice required to be given under this section may be given by post.

Procedure.

6. All proceedings in respect of offences against this Act shall be disposed of summarily.

Institution of proceedings.

7. (1) No proceedings in respect of any offence against this Act shall be taken without the consent in writing of the Minister.

(2) The said consent may be proved by the production of a notice to that effect purporting to be signed by the Minister.

Facilitation of proof.

8. In any proceedings under this Act—

(a) the allegation in the complaint that any land is distant fifty feet or less from any portion of the outer bank of any portion of the River Torrens to which this Act applies shall be *prima facie* evidence that the said land is so distant and that this Act applies to the said portion of the River Torrens :

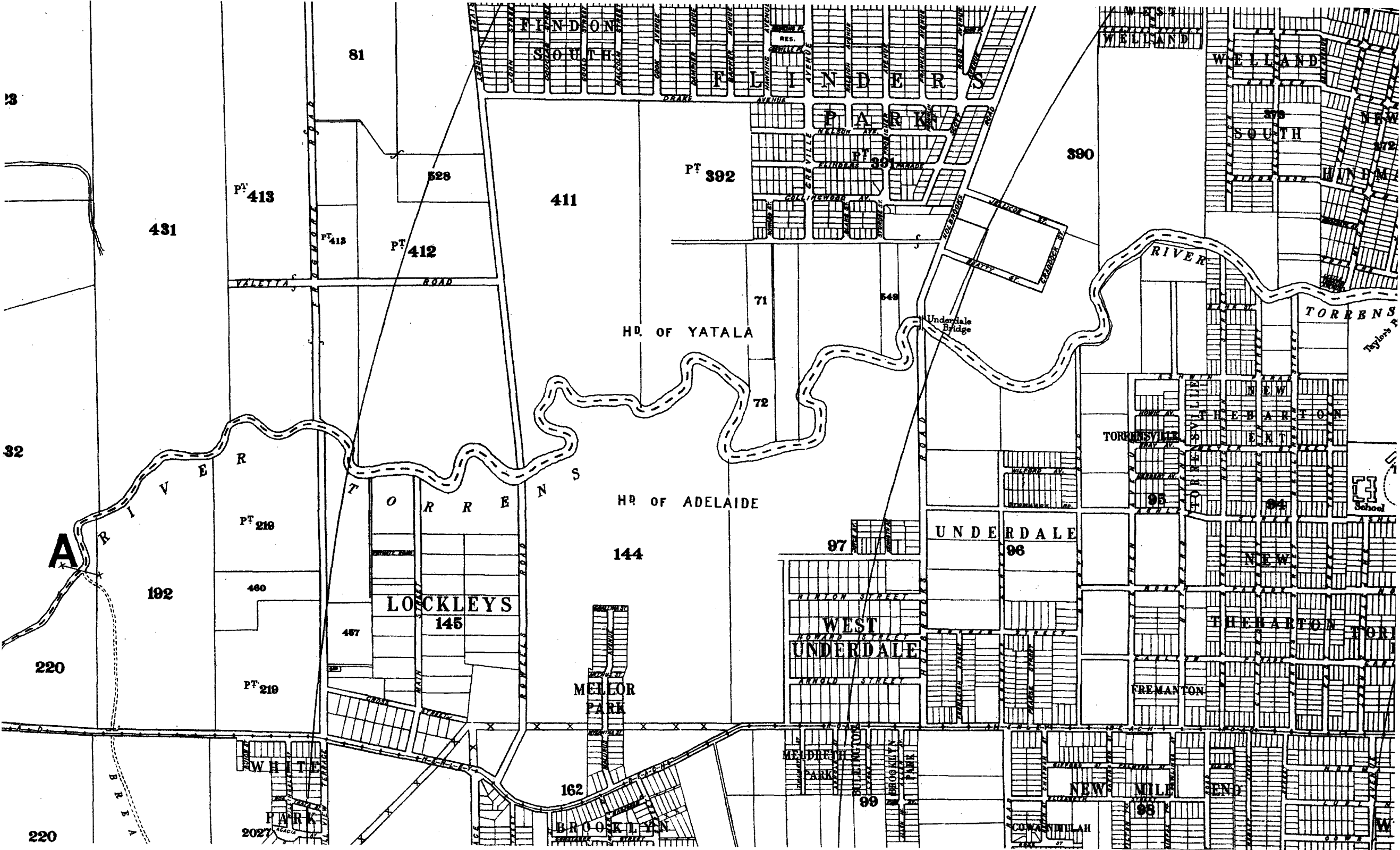
(b) the allegation in the complaint that a specified person was at a specified time the owner of a specified piece of land shall be *prima facie* evidence that the person was at the time alleged the owner of the said land :

(c) the allegation in the complaint that the hole was dug or excavated in a specified piece of land shall be *prima facie* evidence that the hole was dug or excavated in the said land.

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

TOM BRIDGES, Governor.

THE SCHEDULE.



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32

81

431

PT 413

PT 412

411

PT 392

390

VALETTA ROAD

HD. OF YATALA

71

72

Underdale Bridge

PT 219

192

460

487

LOCKLEYS

145

144

HD. OF ADELAIDE

97

UNDERDALE

96

220

PT 219

MELOR PARK

WEST UNDERDALE

TREMAN TON

BRIBA

WHITE

PARK

2027

162

BROOKLYN

MELBURN PARK

99

NEW MILLS

98

COMANITILAH

220

FfENDON

SOUTH

FILINDERS

PARK

WELLAND

WELLAND

SOUTH

TORRENS

TORRENSVILLE

THE BAR TON

THE BAR TON

NEW

THE BAR TON TOR

School

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