

South Australia

## River Torrens Linear Park Act 2006

An Act to provide for the protection of the River Torrens Linear Park as a world-class asset to be preserved as an urban park for the benefit of present and future generations; to repeal the *River Torrens Acquisition Act 1970*; and for other purposes.

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### The Parliament of South Australia enacts as follows:

#### 1—Short title

This Act may be cited as the *River Torrens Linear Park Act 2006*.

#### 2—Commencement

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

#### 3—Interpretation

In this Act, unless the contrary intention appears—

**council** means a council within the meaning of the *Local Government Act 1999*;

**GRO** means the General Registry Office at Adelaide;

**Plan** means the River Torrens Linear Park Public Lands Plan deposited in the GRO by the Minister for the purposes of this definition and identified by the Minister by notice in the Gazette;

**public road** has the same meaning as in the *Local Government Act 1999*;

**River Torrens Linear Park** or **Linear Park** means the River Torrens Linear Park as defined (from time to time) by the Plan;

*State agency* means—

- (a) the Crown or a Minister of the Crown;
- (b) an agency or instrumentality of the Crown (including a Department or administrative unit of the State);
- (c) a council;
- (d) any other prescribed person or prescribed body acting under the express authority of the Crown,

but does not include a person or body excluded from the ambit of this definition by regulation.

#### **4—Variation of the Plan**

- (1) The Minister may, by instrument deposited in the GRO, vary the Plan.
- (2) However—
  - (a) a variation may not be made unless the Minister—
    - (i) has given written notice of the proposed variation to any council that would be affected by the variation; and
    - (ii) has given consideration to any submission made by such a council within a period (of between 3 and 6 weeks) specified by the Minister in the notice; and
  - (b) a variation may not be made by virtue of which land ceases to be included in the Linear Park except in accordance with a resolution passed by both Houses of Parliament.

#### **5—Sale of land**

- (1) Subject to this section, land within the River Torrens Linear Park may not be sold or otherwise disposed of except in accordance with a resolution passed by both Houses of Parliament.
- (2) This section does not apply to the sale or other disposal of land to a State agency.

#### **6—Special provisions relating to roads**

- (1) An area identified as a *road area* in the Plan on the commencement of this section will be taken to be a public road (and to have been established in accordance with the *Roads (Opening and Closing) Act 1991*).
- (2) The Minister may, by instrument deposited in the GRO, vary the Plan to ensure consistency with any road process under the *Roads (Opening and Closing) Act 1991*.
- (3) An instrument under subsection (2) will have effect despite any other section.

#### **7—Effect of other Acts**

- (1) The Minister may, by instrument deposited in the GRO, vary the Plan to ensure consistency with the operation or effect of another Act (including an Act amending another Act) enacted after the commencement of this section.
- (2) An instrument under subsection (1) will have effect despite any other section.

## 8—Related matters

- (1) For the purposes of a provision of this Act, the Plan may be varied by the substitution of a new plan.
- (2) If the Minister deposits an instrument in the GRO under this Act, the Minister must give public notice of that fact within a reasonable time after the instrument is deposited.
- (3) The Minister and each council within whose area the River Torrens Linear Park is situated must ensure that copies of the Plan are kept available for public inspection—
  - (a) in the case of the Minister—at the principal office of the Minister's department; and
  - (b) in the case of a council—at the principal office of the council,(and copies of the Plan may be kept at such other locations as the Minister and councils think fit).

## 9—Acquisition of land

- (1) The Minister may, subject to and in accordance with the *Land Acquisition Act 1969*, acquire land for the purpose of increasing the area of the River Torrens Linear Park.
- (2) If a notice of intention to acquire land has been served, a person who wilfully damages the land is guilty of an offence.  
Maximum penalty: \$100 000 or imprisonment for 12 months.
- (3) If the Minister has reasonable cause to suspect that a person may act in contravention of subsection (2), a police officer may enter on the land and exercise such force as may be necessary or expedient to prevent the commission of an offence under that subsection.

## 10—Regulations

- (1) Subject to subsection (3), the Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) Regulations under this Act—
  - (a) may make different provision according to the matters or circumstances to which they are expressed to apply; and
  - (b) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other person or body prescribed by the regulations.
- (3) A regulation cannot be made under this Act unless the Minister has given the Local Government Association of South Australia notice of the proposed regulation and given consideration to any submission made by the Association within a period (of between 3 and 6 weeks) specified by the Minister.

## Schedule 1—Repeal

### 1—Repeal of *River Torrens Acquisition Act 1970*

The *River Torrens Acquisition Act 1970* is repealed.