

**House of Assembly—No 61**

As laid on the table and read a first time, 31 May 2012

South Australia

**Local Government (Road Closures—1934 Act)  
Amendment Bill 2012**

A BILL FOR

An Act to amend the *Local Government Act 1934*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Local Government (Road Closures—1934 Act) Amendment Act 2012*.

#### 5 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on 1 July 2013.
- (2) Clause 1(4), (5) and (6) of Schedule 1 will come into operation on 1 February 2013.

#### 3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Local Government Act 1934*

#### 4—Repeal of section 359

Section 359—delete the section

## Schedule 1—Transitional provisions

### 1—Transitional provisions

- (1) Subject to this clause, the following provisions apply with respect to the repeal of section 359 of the principal Act:

5 (a) in relation to a prescribed road that is the subject of a resolution under section 359 of the principal Act—any exclusion of vehicles from the prescribed road in force under that section immediately before 1 July 2013, or due to take effect on or after 1 July 2013, will no longer have effect on 1 July 2013 (and the relevant resolution will be taken to be revoked);

10 (b) in relation to any road that is the subject of a resolution under section 359 of the principal Act and that is not a prescribed road—the resolution will continue to have effect (or to take effect) and may be—

(i) enforced by the council;

(ii) revoked or varied by the council,

15 as if this Act had not been enacted;

(c) in relation to a public place that is not a prescribed road or any other kind of road and that is the subject of a resolution under section 359 of the principal Act—the resolution will continue to have effect (or to take effect) and may be—

20 (i) enforced by the council;

(ii) revoked or varied by the council,

as if this Act had not been enacted.

- (2) Subject to subclause (3), if an exclusion ceases to have effect under subclause (1)(a), the council for the area must immediately take reasonable steps to restore the relevant road to a state that allows the reasonable flow of traffic in the manner that existed before the exclusion took effect (and must remove at an appropriate time any barricades or other traffic control devices that have been installed to give effect to the exclusion).

30 (3) The Adelaide City Council must, in relation to the area marked "A" in the plan set out in Schedule 2, take reasonable steps to create a road that allows for the 2-way flow of general vehicle traffic between the main formation of War Memorial Drive and the main formation of Barton Terrace, North Adelaide.

- (4) In this clause—

*Adelaide City Council* means The Corporation of the City of Adelaide;

35 *council* has the same meaning as in the principal Act;

*prescribed road* means—

(a) the area of road, or road reserve, marked with the letter "A" in the plan set out in Schedule 2; or

40 (b) a road, or a former road, or part of a road or former road, declared by proclamation to be within the ambit of this definition;

*principal Act* means the *Local Government Act 1934*;

*road* includes a street or other thoroughfare.

5 (5) The Governor should not make a proclamation for the purposes of the definition of *prescribed road* unless satisfied that the Minister to whom the administration of the principal Act is committed has taken reasonable steps to consult with any council to be directly affected by the making of the proclamation.

(6) For the purposes of subclause (5), if—

10 (a) at least 12 weeks before the relevant proclamation is made the Minister to whom the administration of the principal Act is committed provided to a council a copy of a draft proclamation in the same terms, or substantially the same terms, as the proclamation that is presented to the Governor for promulgation under this clause; and

(b) the Minister allowed the council at least 8 weeks in which to respond,

15 then the Minister will be taken to have taken reasonable steps to consult with that council in relation to the proclamation.

**Schedule 2—Plan**

