

**Legislative Council—No 98**

As introduced and read a first time, 31 October 2012

South Australia

**National Parks and Wildlife (Life Lease Sites)  
Amendment Bill 2012**

A BILL FOR

An Act to amend the *National Parks and Wildlife Act 1972*.

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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 *National Parks and Wildlife (Life Lease Sites) Amendment Act 2012*.

### 5 **2—Commencement**

This Act will come into operation 2 months after the date of assent.

### **3—Amendment provisions**

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

## 10 **Part 2—Amendment of *National Parks and Wildlife Act 1972***

### **4—Insertion of new section**

After section 35 insert:

#### **35A—Life lease sites**

- 15 (1) A person who is the lessee of a life lease site may apply to the relevant authority to have the lease (the *original lease*) dealt with in accordance with this section.
- 20 (2) Subject to subsection (3), if an application is made by a lessee under subsection (1) the relevant authority must cancel the original lease and, immediately after cancelling the original lease, grant a new lease in relation to the life lease site to the lessee or lessees (as the case requires).
- (3) The relevant authority must not cancel a lease under subsection (2) unless each lessee under the original lease has agreed to the proposed terms of the new lease that is to be granted under subsection (2).

- (4) A lease granted by the relevant authority under subsection (2) must—
- (a) be for a term of not less than 5 years; and
  - (b) be renewable (on terms and conditions specified in the lease); and
  - (c) be capable of being transferred with the consent of the relevant authority; and
  - (d) contain conditions relating to the following:
    - (i) access to the site;
    - (ii) infrastructure;
    - (iii) management of environmental issues;
    - (iv) effluent disposal;
    - (v) the built form of structures on the site;
    - (vi) safety and security; and
  - (e) contain such other terms and conditions as the relevant authority thinks fit.

(5) If no application is made under this section in relation to a life lease site within 2 years after the commencement of this section, the lease of that site is taken to be cancelled and no compensation is payable by the Crown in respect of the cancellation.

(6) In this section—

***life lease site*** means land that is subject to a lease under section 35 of this Act where the lessee is a natural person and the lessee's interest under the lease is extinguished on his or her death;

***relevant authority*** means—

- (a) in relation to a life lease site in a co-managed park for which there is a co-management board—the co-management board for the park; or
- (b) in any other case—the Minister.