

Legislative Council—No 96A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 17 July 2009

South Australia

**River Torrens Linear Park (Linear Parks)
Amendment Bill 2009**

A BILL FOR

An Act to amend the *River Torrens Linear Park Act 2006*.

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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 *River Torrens Linear Park (Linear Parks) Amendment Act 2009*.

5 2—Commencement

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

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 *River Torrens Linear Park Act 2006*

4—Amendment of long title

Long title—delete "as a world-class asset to be preserved as an urban park" and substitute:

, and other linear parks, as world-class assets to be preserved as public parks

15 5—Amendment of section 1—Short title

Section 1—delete "*River Torrens Linear Park*" and substitute:

Linear Parks

6—Amendment of section 3—Interpretation

- (1) Section 3, definition of *Plan*—delete the definition and substitute:

linear park means—

- (a) the River Torrens Linear Park as defined (from time to time) by the River Torrens Linear Park Public Lands Plan; or
- (b) another linear park as defined (from time to time) by a relevant plan, as the case requires;

plan means—

- (a) the River Torrens Linear Park Public Lands Plan; or
- (b) a plan defining some other linear park deposited in the GRO by the Minister for the purposes of this paragraph and identified by the Minister by notice in the Gazette,

as the case requires;

- (2) Section 3, definition of *River Torrens Linear Park*—delete the definition and substitute:

River Torrens Linear Park Public Lands Plan means Plan No 13 of 2007 deposited in the GRO on 2 March 2007, as varied or substituted from time to time under this Act;

7—Substitution of section 4

Section 4—delete the section and substitute:

4—Linear parks

- (1) The Minister may, by plan under this Act—

(a) constitute a linear park consisting of—

- (i) unalienated Crown land; or
- (ii) land owned by, or under the control of, the Minister or another agency or instrumentality of the Crown; or
- (iii) land under the care, control or management of a council; and

(b) assign a name to the linear park so constituted.

- (2) However, a linear park that is proposed to include land under the care, control or management of a council must not be constituted unless the Minister—

- (a) has given written notice of the proposal to the council; and
- (b) has given consideration to any submission made by the council within a period (of between 3 and 6 weeks) specified by the Minister in the notice.

- (3) The Minister may, by instrument deposited in the GRO, vary a plan under this Act.

(4) However—

(a) a variation to add land to a linear park must relate to—

- (i) unalienated Crown land; or
- (ii) land owned by, or under the control of, the Minister or another agency or instrumentality of the Crown; or
- (iii) land under the care, control or management of a council; and

(b) a variation to a linear park 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

(c) a variation may not be made by virtue of which land ceases to be included in a linear park except in accordance with a resolution passed by both Houses of Parliament.

8—Amendment of section 5—Sale of land

Section 5(1)—delete "the River Torrens Linear Park" and substitute:

a linear park

9—Amendment of section 6—Special provisions relating to roads

(1) Section 6(1)—delete "the Plan on the commencement of this section" and substitute:

a plan defining a linear park on the date on which the plan is deposited in the GRO

(2) Section 6(2)—delete "the Plan" and substitute:

a plan

10—Amendment of section 7—Effect of other Acts

(1) Section 7(1)—delete "the Plan" and substitute:

a plan

(2) Section 7(1)—delete "the commencement of this section" and substitute:

4 August 2006

Note—

Section 7 came into operation on 4 August 2006.

11—Amendment of section 8—Related matters

(1) Section 8(1)—delete "the Plan" and substitute:

a plan

(2) Section 8(3)—delete "the River Torrens Linear Park" and substitute:

5 a linear park

(3) Section 8(3)—delete "the Plan" first occurring and substitute:

the plan of any such linear park

(4) Section 8(3)—delete "copies of the Plan may be kept"

12—Amendment of section 9—Acquisition of land

10 Section 9(1)—delete "the River Torrens Linear Park" and substitute:

a linear park