

House of Assembly—No 124

As laid on the table and read a first time, 6 July 2005

South Australia

Statutes Amendment (Recreational Trails) Amendment Bill 2005

A BILL FOR

An Act to amend the *Highways Act 1926*, the *Recreational Greenways Act 2000* and the *Roads (Opening and Closing) Act 1991*.

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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 *Statutes Amendment (Recreational Trails) Amendment Act 2005*.

5 2—Amendment provisions

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 *Highways Act 1926*

3—Amendment of section 27AA—Closing of roads

- 10 (1) Section 27AA(1)—after paragraph (b) insert:

and

- (ba) in the case of the closing of any road or part of any road—has consulted with—

- (i) the Walking Federation of South Australia Inc; and

- (ii) any other person or body prescribed by the regulations; and

- 15 (2) Section 27AA(1)—after "paragraph (b)" insert:

, and comments made under paragraph (ba) (if any),

Part 3—Amendment of *Recreational Greenways Act 2000*

4—Amendment of section 8—Variation or revocation of proclamation

Section 8—after subsection (1) insert:

- 5 (1a) The Minister must not make a recommendation under subsection (1)
the effect of which would be the abolition of the whole or a part of a
greenway unless the Minister—
- 6 (a) has given public notice of, and invited submissions in
relation to, the proposal in accordance with the regulations;
and
 - 10 (b) has consulted with—
 - 11 (i) the Walking Federation of South Australia Inc; and
 - 12 (ii) any other person or body prescribed by the
regulations; and
 - 15 (c) has had regard to any submissions made to the Minister
under this subsection.

Part 4—Amendment of *Roads (Opening and Closing) Act 1991*

5—Amendment of section 10—Notification of proposed road process

Section 10(1)—after paragraph (b) insert—

and

- 20 (c) if the road process consists (whether wholly or in part) of closing a
road—at the same time serve notice in writing of the proposal on—
- 21 (i) the Walking Federation of South Australia Inc; and
 - 22 (ii) any other person or body prescribed by the regulations.

6—Amendment of section 34—Special power of Minister to close road

25 (1) Section 34(1)—after paragraph (c) insert:

and

- 26 (d) to the Walking Federation of South Australia Inc; and
- 27 (e) to any other person or body prescribed by the regulations.

30 (2) Section 34(3)(a)—delete "the Commissioner of Highways, a council or prescribed
public utility" and substitute:

a person or body referred to in subsection (1)

7—Amendment of section 34B—Road process proposal may be included in a major development proposal

Section 34B(2)(a)—delete subparagraph (iv) and substitute:

- 5
- (iv) if the proposal consists (whether wholly or in part) of closing a road—the Walking Federation of South Australia Inc; and
 - (v) each person affected who can be identified by reasonable inquiry; and
 - (vi) any other person or body prescribed by the regulations,

Schedule 1—Transitional provision

- 10 1 (1) A road process, the closing of a road by the Minister under the *Roads (Opening and Closing) Act 1991* or the closing of a road under the *Highways Act 1926*, commenced before the commencement of this Schedule may be continued as if this Act had not been enacted.
- (2) For the purposes of this clause—
- 15 (a) a road process will be taken to commence—
- 20 (i) in the case of a road process under Part 7A of the *Roads (Opening and Closing) Act 1991*—on the day on which the development report, environmental impact statement or public environmental report under the *Development Act 1993* (as the case requires) that includes details of the proposed road process is made available for inspection under the *Development Act 1993*; or
 - (ii) in any other case—on the day on which public notice is given pursuant to section 10 of the *Roads (Opening and Closing) Act 1991*;
- 25 (b) the closing of a road by the Minister under the *Roads (Opening and Closing) Act 1991* will be taken to commence on the day on which notice of the proposed road closure is given pursuant to section 34(1) of that Act;
- (c) the closing of a road under the *Highways Act 1926* will be taken to commence on the day on which notice of the proposed road closure is given pursuant to section 27AA of that Act.
- 30 (3) In this clause—
- road process** has the same meaning as in the *Roads (Opening and Closing) Act 1991*.