

**Legislative Council—No 40**

As introduced and read a first time, 31 August 2006

South Australia

**Upper South East Dryland Salinity and Flood  
Management (Extension of Period of Scheme)  
Amendment Bill 2006**

A BILL FOR

An Act to amend the *Upper South East Dryland Salinity and Flood Management Act 2002*.

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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 *Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment Act 2006*.

#### 5 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on 18 December 2006.
- (2) Section 4 will be taken to have come into operation on 18 June 2006.

#### 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 *Upper South East Dryland Salinity and Flood Management Act 2002*

#### 4—Amendment of section 13—Entitlement to compensation

- (1) Section 13(1)—delete "after the expiration of the prescribed period"
- 15 (2) Section 13(2)(a)—delete "at the expiration of the prescribed period" and substitute:  
at the relevant date
- (3) Section 13(2)(b)—delete "during the prescribed period" and substitute:  
between the commencement of this section and the relevant date
- (4) Section 13(2)(b)—delete "the end of the prescribed period" and substitute:  
20 the relevant date

(5) Section 13(3)(a)—delete "at the expiration of the prescribed period" and substitute:  
at the relevant date

(6) Section 13(4)—delete "during the prescribed period" and substitute:  
between the commencement of this section and the relevant date

5 (7) Section 13(5)(b)—delete "the end of the prescribed period" and substitute:  
the relevant date in relation to the land

(8) Section 13(11)—delete "over the prescribed period" and substitute:  
between the commencement of this section and the relevant date

(9) Section 13—after subsection (13) insert:

10 (13a) A claim for compensation under this section must be made—

(a) in the case of a claim that relates to a situation where the  
relevant date occurs between 18 June 2006 and  
17 December 2006 (both dates inclusive)—by 18 June 2007;

15 (b) in the case of a claim that relates to a situation where the  
relevant date occurs on or after 18 December 2006—within  
the period of 6 months immediately after the relevant date.

(13b) The Minister must, with respect to any parcel of land under this  
section, issue a land transfer finalisation declaration within a  
reasonable period after completing all relevant transfers (or, if  
20 relevant, after deciding not to return any land).

(13c) If a person has a claim for compensation under subsection (3) (as the  
former owner of land), the Minister must, on issuing a land transfer  
finalisation declaration in relation to the relevant land, take  
reasonable steps to give a copy of the notice to that person.

25 (10) Section 13(14), definition of *prescribed period*—delete the definition and substitute:  
*land transfer finalisation date* means—

(a) unless a different date is fixed under paragraph (b)—  
19 December 2010; or

30 (b) a date that is not later than 19 December 2011 fixed by the Governor  
by proclamation made for the purposes of this definition;

*land transfer finalisation declaration* means a statement in writing issued by  
the Minister in relation to a particular parcel of land in which the Minister  
declares, in connection with land within a project works corridor that has  
35 comprised part of that parcel, that no further land is to be transferred back to  
the owner in relation to that parcel (or, if relevant, that all relevant land has  
been returned or that no land at all is to be returned);

(11) Section 13(14)—after the definition of *relevant court* insert:

*relevant date* means—

40 (a) in relation to a parcel of land where the Minister has issued a land  
transfer finalisation declaration—the date on which the land transfer  
finalisation declaration is issued to the owner of the parcel of land; or

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- (b) if paragraph (a) does not apply in relation to a parcel of land before the land transfer finalisation date—the land transfer finalisation date in relation to that parcel of land.

**5—Amendment of section 43—ERD Committee to oversee operation of Act**

5           Section 43(3)—delete subsection (3)

**6—Amendment of section 45—Expiry of Act**

- (1) Section 45(1)—delete "a proclamation under subsection (2)" and substitute:

                  this section

- 10           (2) Section 45(1)—delete "the fourth anniversary of the commencement of this Act" and substitute:

                  19 December 2009

- (3) Section 45(3)—delete subsection (3)

- (4) Section 45—after subsection (6) insert:

- 15           (6a) The expiry of this Act does not apply in relation to the operation of section 13 and that section will continue to have full force and effect until all steps envisaged by that section have been taken, all dates that apply under that section have occurred, and all claims for compensation under that section (and any related proceedings) have been determined.

- 20           (5) Section 45(7)—after "enactment" insert:

                  or expiry