

South Australia

## Linear Parks Act 2006

An Act to provide for the protection of the River Torrens Linear Park, and other linear parks, as world-class assets to be preserved as public parks for the benefit of present and future generations; and for other purposes.

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### Legislative history

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#### The Parliament of South Australia enacts as follows:

##### 1—Short title

This Act may be cited as the *Linear Parks Act 2006*.

##### 3—Interpretation

In this Act, unless the contrary intention appears—

**council** means a council within the meaning of the *Local Government Act 1999*;

**GRO** means the General Registry Office at Adelaide;

**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;

**public road** has the same meaning as in the *Local Government Act 1999*;

**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;

**State agency** means—

- (a) the Crown or a Minister of the Crown;
- (b) an agency or instrumentality of the Crown (including a Department or administrative unit of the State);
- (c) a council;
- (d) any other prescribed person or prescribed body acting under the express authority of the Crown,

but does not include a person or body excluded from the ambit of this definition by regulation.

#### 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.

### **5—Sale of land**

- (1) Subject to this section, land within a linear park may not be sold or otherwise disposed of except in accordance with a resolution passed by both Houses of Parliament.
- (2) This section does not apply to the sale or other disposal of land to a State agency.

### **6—Special provisions relating to roads**

- (1) An area identified as a *road area* in a plan defining a linear park on the date on which the plan is deposited in the GRO will be taken to be a public road (and to have been established in accordance with the *Roads (Opening and Closing) Act 1991*).
- (2) The Minister may, by instrument deposited in the GRO, vary a plan to ensure consistency with any road process under the *Roads (Opening and Closing) Act 1991*.
- (3) An instrument under subsection (2) will have effect despite any other section.

### **7—Effect of other Acts**

- (1) The Minister may, by instrument deposited in the GRO, vary a plan to ensure consistency with the operation or effect of another Act (including an Act amending another Act) enacted after 4 August 2006.
- (2) An instrument under subsection (1) will have effect despite any other section.

### **8—Related matters**

- (1) For the purposes of a provision of this Act, a plan may be varied by the substitution of a new plan.
- (2) If the Minister deposits an instrument in the GRO under this Act, the Minister must give public notice of that fact within a reasonable time after the instrument is deposited.
- (3) The Minister and each council within whose area a linear park is situated must ensure that copies of the plan of any such linear park are kept available for public inspection—
  - (a) in the case of the Minister—at the principal office of the Minister's department; and
  - (b) in the case of a council—at the principal office of the council,  
(and at such other locations as the Minister and councils think fit).

## 9—Acquisition of land

- (1) The Minister may, subject to and in accordance with the *Land Acquisition Act 1969*, acquire land for the purpose of increasing the area of a linear park.
- (2) If a notice of intention to acquire land has been served, a person who wilfully damages the land is guilty of an offence.  
Maximum penalty: \$100 000 or imprisonment for 12 months.
- (3) If the Minister has reasonable cause to suspect that a person may act in contravention of subsection (2), a police officer may enter on the land and exercise such force as may be necessary or expedient to prevent the commission of an offence under that subsection.

## 10—Regulations

- (1) Subject to subsection (3), the Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) Regulations under this Act—
  - (a) may make different provision according to the matters or circumstances to which they are expressed to apply; and
  - (b) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other person or body prescribed by the regulations.
- (3) A regulation cannot be made under this Act unless the Minister has given the Local Government Association of South Australia notice of the proposed regulation and given consideration to any submission made by the Association within a period (of between 3 and 6 weeks) specified by the Minister.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*River Torrens Linear Park Act 2006*

### Legislation repealed by principal Act

The *Linear Parks Act 2006* repealed the following:

*River Torrens Acquisition Act 1970*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2006	7	<i>River Torrens Linear Park Act 2006</i>	29.6.2006	4.8.2006 ( <i>Gazette 27.7.2006 p2400</i> )
<b>2009</b>	<b>80</b>	<b><i>River Torrens Linear Park (Linear Parks) Amendment Act 2009</i></b>	<b>10.12.2009</b>	<b>1.3.2010 (<i>Gazette 18.2.2010 p819</i>)</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i> and by 80/2009 s 4	1.3.2010
s 1	amended by 80/2009 s 5	1.3.2010
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.3.2010</i>
s 3		
linear park	inserted by 80/2009 s 6(1)	1.3.2010
<i>Plan</i>	<i>deleted by 80/2009 s 6(1)</i>	<i>1.3.2010</i>
plan	inserted by 80/2009 s 6(1)	1.3.2010
<i>River Torrens Linear Park</i>	<i>deleted by 80/2009 s 6(2)</i>	<i>1.3.2010</i>
River Torrens Linear Park Public Lands Plan	inserted by 80/2009 s 6(2)	1.3.2010
s 4	substituted by 80/2009 s 7	1.3.2010
s 5		
s 5(1)	amended by 80/2009 s 8	1.3.2010

**Linear Parks Act 2006—1.3.2010 to 11.12.2017**

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s 6		
s 6(1)	amended by 80/2009 s 9(1)	1.3.2010
s 6(2)	amended by 80/2009 s 9(2)	1.3.2010
s 7		
s 7(1)	amended by 80/2009 s 10(1), (2)	1.3.2010
s 8		
s 8(1)	amended by 80/2009 s 11(1)	1.3.2010
s 8(3)	amended by 80/2009 s 11(2)—(4)	1.3.2010
s 9		
s 9(1)	amended by 80/2009 s 12	1.3.2010
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.3.2010</i>