

South Australia

River Torrens Acquisition Act 1970

An Act to provide for the acquisition of certain lands comprising the River Torrens, or adjacent thereto; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *River Torrens Acquisition Act 1970*.

2—Interpretation

In this Act, unless the contrary intention appears—

authorised plan means a plan declared to be an authorised plan under section 4 of this Act;

council means a municipal council or a district council and includes any body corporate that is by virtue of any Act, deemed to be or vested with powers of a municipal or district council;

the Minister means the Minister of Works;

the river means so much of the River Torrens as does not lie within the City of Adelaide, but does not include any of its tributaries;

the top of the river bank means a point that is, in the opinion of the Surveyor-General, the top of the bank of the river.

2A—Minister may direct the preparation of a plan delineating the top of the river bank

- (1) The Minister may, at any time, by instrument in writing, direct the Surveyor-General to prepare a plan delineating the top of the river bank in respect of any part of the river specified in the instrument.
- (2) The Surveyor-General shall comply with any direction under subsection (1) of this section.
- (3) The provisions of Part 5 of the *Land Acquisition Act 1969* shall apply in respect of any survey undertaken by the Surveyor-General for the purpose of preparing a plan under this section.

3—Plan to be prepared etc

- (1) If, in the opinion of the Minister, it is desirable to acquire land comprising, or adjacent to, any portion of the river, he may cause a survey to be made of, and a plan to be prepared delineating that land.
- (2) The boundaries of the land to be acquired shall be as close as practicable to the top of the river bank and shall not, at any point exceed a lateral distance of sixty metres from the top of the river bank.
- (3) When the plan has been prepared, the Minister shall cause a copy thereof to be sent to each council whose area comprises any portion of the land delineated on the plan and thereupon shall, by notice published in the Gazette and in a newspaper circulating generally throughout the State, give public notice that a copy of the plan will be available for inspection at the office of the Minister and the office of each such council for the period (being a period of not less than one month from the day on which the notice is last published under this subsection) specified in the notice, and that the Minister will, until the expiration of that period, entertain written representations as to whether the boundaries of the land to be acquired, delineated on the plan, should be altered.
- (4) The Minister, and each of the councils, shall make a copy of the plan available for inspection by any member of the public during ordinary office hours at their respective offices during the period specified in the notice.
- (5) At any time before the expiration of the period specified in the notice, a person may lodge with the Minister written representations as to whether the boundaries of the land to be acquired, delineated on the plan, should be altered.
- (6) The Minister shall consider the representations (if any) made to him under this section, and may amend the plan as he thinks fit.

4—Acquisition of land

- (1) After the expiration of the period specified in the notice published under section 3 of this Act, the Minister may submit to the Governor the plan (incorporating the amendments (if any) made thereto) and copies of the written representation (if any) made in connection therewith.
- (2) The Governor may, by proclamation, declare the plan to be an authorised plan.
- (3) The Minister may, subject to the provisions of the *Land Acquisition Act 1969*, acquire the land delineated on the authorised plan.

5—Rights and obligations of Minister

- (1) Subject to subsection (2) of this section the Minister shall execute and perform all such works as are necessary, in his opinion, to ensure the unimpeded flow of the waters of the river over land acquired by him under this Act, and may execute and perform such other works upon that land as he deems necessary or expedient for the improvement of the land.
- (2) The Minister may, by instrument in writing, transfer upon such terms and conditions as may be specified in the instrument, any land acquired by him under this Act to the care, control and management of a council and the council shall execute and perform all such works as are necessary to ensure the unimpeded flow of waters over the land and may, with the approval of the Minister, execute and perform such other works as it deems necessary or expedient for the improvement of the land.

6—Exemption from rates etc

- (1) The Minister, or a council, shall not be liable to pay any rate, tax or impost in respect of any land acquired under this Act.
- (2) The Minister, or a council, shall not be liable to pay to any person any contribution or sum under the *Fences Act 1924* in respect of any land acquired under this Act.

7—Licence

The Minister may grant to any person a licence entitling him to exercise such rights in respect of land acquired under this Act or the waters of the river in or upon that land, as he thinks fit, and specifies in the licence.

8—Exemption from certain obligations

Where any part of the river is acquired under this Act, a person who would otherwise be subject to any obligation arising under section 8 or section 9 of the *River Torrens Protection Act 1949* in respect of that part of the river, shall, by virtue of this section be exempted from that obligation.

9—Financial provision

The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

10—Regulations

The Governor may make such regulations as he deems necessary or expedient for the purposes of this Act and without limiting the generality of the foregoing, those regulations may—

- (a) prescribe and regulate the exercise or enjoyment of any right, privilege, easement or servitude in respect of land acquired under this Act; and
- (b) prescribe any form or other document for the purposes of this Act; and
- (c) prescribe the penalties (recoverable summarily), not exceeding one hundred dollars, for breach of, or non-compliance with, the regulations.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Repeal of Act

The *River Torrens Acquisition Act 1970* was repealed by Sch 1 cl 1 of the *River Torrens Linear Park Act 2006* on 4.8.2006.

Principal Act and amendments

Year	No	Title	Assent	Commencement
1970	29	<i>River Torrens Acquisition Act 1970</i>	5.11.1970	5.11.1970
1972	88	<i>River Torrens Acquisition Act Amendment Act 1972</i>	19.10.1972	30.11.1972 (<i>Gazette 30.11.1972 p2466</i>)