

South Australia



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ELIZABETHAE II REGINAE
A.D. 2000

RECREATIONAL GREENWAYS ACT 2000

No. 61 of 2000

[Assented to 27 July 2000]

An Act to provide for the establishment and maintenance of trails for recreational walking, cycling, horse riding, skating or other similar purpose; to make a related amendment to the Development Act 1993; and for other purposes.

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SCHEDULE
Amendment of Development Act 1993

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Recreational Greenways Act 2000*.

Commencement

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

Interpretation

3. (1) In this Act, unless the contrary intention appears—

"access agreement" means an agreement under Part 4;

"authorised officer" means—

- (a) a person appointed and holding office as an authorised officer under this Act;
- (b) a forest warden under the *Forestry Act 1950*;
- (c) a warden under the *National Parks and Wildlife Act 1972*;
- (d) a member of the South Australian police force;

"council" means a council under the *Local Government Act 1999*;

"cycling" does not include the use of a motor cycle;

"dedicated land" means land (not being land granted in fee simple) dedicated for any purpose by or under the *Crown Lands Act 1929* or any other Act;

"greenway" means—

- (a) land set aside as a trail under this Act for recreational walking, cycling, horse riding, skating or other similar purpose and includes—
 - (i) land established as a camping ground; and
 - (ii) land on which a hut, hostel or other facility is established, for use in conjunction with such a trail; and
- (b) part of such a trail or of land referred to in paragraph (a)(i) or (ii);

"land" includes a legal or equitable interest in land;

"pastoral lease" means a pastoral lease granted under the *Pastoral Land Management and Conservation Act 1989*;

"**private land**" means all land that is not public land;

"**public land**" means land that is—

- (a) dedicated land; or
- (b) unalienated land of the Crown; or
- (c) vested in or under the care, control or management of a Minister, agency or instrumentality of the Crown on behalf of the Crown; or
- (d) held from the Crown under a pastoral lease or under a licence; or
- (e) vested in or under the care, control or management of a council;

"**skating**" means roller-skating, skateboarding or in-line skating.

(2) For the purposes of this Act—

- (a) public land held from the Crown under a pastoral lease or a licence will be taken to be vested in the Minister, agent or instrumentality of the Crown that is a party to the lease or licence on behalf of the Crown;
- (b) the owner of private land that is subject to a lease or agreement to purchase under the *Crown Lands Act 1929* will be taken to be the Minister for the time being administering that Act.

Relationship with other Acts

4. Unless the contrary intention appears, this Act is in addition to and does not derogate from the provisions of any other Act.

PART 2
ESTABLISHMENT OF GREENWAYS

Establishment of greenways

5. (1) Subject to this section, the Governor may, by proclamation made on the recommendation of the Minister, declare that land of a kind referred to in subsection (2) is set aside as a trail for use by members of the public and visitors to this State for—

- (a) the purpose of recreational walking; or
- (b) the purpose of recreational cycling; or
- (c) the purpose of recreational horse riding; or
- (d) the purpose of recreational skating; or
- (e) any other similar purpose,

or for a combination of two or more of those purposes.

(2) A greenway may be declared under subsection (1) over—

- (a) unalienated land of the Crown; or
- (b) land that is vested in or is under the care, control or management of a Minister, agent or instrumentality of the Crown on behalf of the Crown; or
- (c) land held from the Crown under a pastoral lease or under a licence; or
- (d) land that is vested in, or is under the care, control or management of, a council; or
- (e) dedicated land; or
- (f) private land that is subject to an access agreement or an easement in favour of the Minister for the purposes of the greenway.

(3) A greenway may only be declared over public land if—

- (a) the Minister under this Act and the Minister, agent or instrumentality of the Crown or the council or other person in whom the land is vested or who has the care, control or management of the land have entered into an agreement in relation to the declaration of the greenway; and
- (b) the proclamation under subsection (1) declaring the greenway conforms to the terms of the agreement.

(4) A proclamation under subsection (1) must—

- (a) identify the greenway; and
- (b) specify the purpose or purposes for which the greenway is set aside; and
- (c) assign a name to the greenway.

(5) A proclamation under subsection (1) may—

- (a) include terms and conditions as to the use and management of the greenway;
- (b) provide for periods during which the greenway will be closed.

(6) A proclamation under subsection (1) in relation to private land must conform to the terms of the access agreement or easement on which it is based.

Public consultation on proposed greenway

6. Before making a recommendation to the Governor for the declaration of a proposed greenway, the Minister—

- (a) must cause to be published in the *Gazette* and in a newspaper circulating throughout the State and in a newspaper circulating in the area in which it is proposed to establish the greenway a notice that sets out—

- (i) the location of the proposed greenway; and
- (ii) the purpose or purposes for which it is proposed that the greenway will be used; and
- (iii) such other information as the Minister thinks fit,

and invites members of the public to provide the Minister with written submissions in relation to the proposal within the period (not being less than 21 days) specified in the notice; and

- (b) must have regard to all submissions made pursuant to the notice referred to in paragraph (a).

Consultation with adjoining owners and pastoral lessees

7. (1) Where land comprising a proposed greenway adjoins (at any point) private land that is owned by a person other than the owner of the land comprising the proposed greenway, the Minister must serve a copy of the notice referred to in section 6 on the owner and occupier of that land.

(2) Where it is proposed to declare a greenway over land comprising a pastoral lease, the Minister must serve a copy of the notice referred to in section 6 on the lessee under the lease.

(3) Before making a recommendation to the Governor for the declaration of the proposed greenway, the Minister must have regard to all submissions made in relation to the proposed greenway pursuant to notices served under subsection (1) and (2).

Variation or revocation of proclamation

8. (1) Subject to this section, the Governor may, by subsequent proclamation made on the recommendation of the Minister, vary or revoke a proclamation made under section 5 and without limiting that power may—

- (a) vary the purpose or purposes for which a greenway is set aside; or
- (b) abolish the whole or a part of a greenway; or

- (c) alter the boundaries of a greenway; or
- (d) alter the name of a greenway.

(2) Except in the case of the abolition of the whole or a part of a greenway, subsection (1) is subject to the requirement that the proclamation must conform to the terms of the agreement or easement on which the original proclamation is based.

Restriction on use of land subject to a greenway

9. (1) Despite any Act or law to the contrary, but subject to this section where a greenway has been declared over public land, the performance of functions and the exercise of rights or powers in relation to the land by the person in whom the land is vested or who has the care, control or management of the land or by any other person who has an interest in the land are subject to—

- (a) the performance of functions and the exercise of powers by the Minister in relation to the greenway under this or any other Act; and
- (b) the right of members of the public and visitors to this State to use the greenway in accordance with this Act.

(2) Despite any Act or law to the contrary, but subject to this section, where a greenway has been declared over private land that is subject to an access agreement or an easement in favour of the Minister for the purposes of the greenway, the rights and powers of the owner and occupier of the land and of any other person who has an interest in the land are subject to—

- (a) the performance of functions and the exercise of powers by the Minister in relation to the greenway under this or any other Act; and
- (b) the right of members of the public and visitors to this State to use the greenway in accordance with this Act.

(3) The performance of functions and the exercise of powers by the Minister in relation to a greenway and the right of members of the public and visitors to this State to use a greenway is subject to—

- (a) an approved management plan under the *Coast Protection Act 1972*;
- (b) an adopted plan of management under the *National Parks and Wildlife Act 1972* or under the *Wilderness Protection Act 1992*,

that applies in relation to the land comprising the greenway.

(4) The performance of functions and the exercise of powers by the Minister in relation to the greenway are subject to the terms of the agreement or easement on which the proclamation declaring the greenway is based.

Declaration of greenways subject to native title

10. The declaration of land as a greenway or the addition of land to a greenway by proclamation under this Part is subject to native title existing over the land when the proclamation was made.

PART 3 USE OF GREENWAYS

Public right of access to greenways

11. (1) Subject to this section, members of the public and visitors to this State are entitled to have access to and use a greenway in accordance with this Act and the proclamation declaring the greenway.

(2) Subsection (1) does not apply to a person who is prevented by or under another Act from lawfully entering land comprising a greenway, or part of a greenway.

(3) Subsection (1) does not apply to a greenway that is closed.

(4) Subject to subsection (5), a fee or other charge is not payable under this Act or any other Act for access to, or use of, a greenway.

(5) Fees may be prescribed by regulation for—

- (a) the use of camping grounds, huts or other accommodation or facilities forming part of a greenway;
- (b) the use of greenways by tour operators for commercial purposes or any other commercial use of greenways.

(6) The following provisions apply in relation to a greenway over land that forms part of a pastoral lease but is not a public access route within the meaning of section 45 of the *Pastoral Land Management and Conservation Act 1989*:

- (a) a person is not entitled to have access to or use the greenway without first giving the lessee oral or written notice of his or her intention to enter and use the greenway; and
- (b) a person is not entitled to travel on the greenway by means of a horse (even if the purpose of the greenway is recreational horse riding) without the consent of the Minister for the time being administering the *Pastoral Land Management and Conservation Act 1989* or the lessee.

Closure of greenways

12. (1) A greenway is closed—

- (a) during those periods (if any) specified in the proclamation establishing the greenway as periods during which it is closed;
- (b) during those periods during which it is closed by the Minister under subsection (2).

(2) The Minister may—

- (a) close a greenway temporarily—
 - (i) to enable developmental or maintenance work to be carried out;
 - (ii) at the request of, or in accordance with an agreement or arrangement with, the owner or occupier of the land comprising the greenway or the owner or occupier of adjoining land;

- (b) close a greenway in the interests of public safety;
- (c) close a greenway in an emergency.

(3) Subject to subsection (4), the Minister must by notice published in a newspaper circulating generally throughout the State—

- (a) give notice of the closure of a greenway under subsection (2)(a) before the greenway is closed; and
- (b) give notice of the closure of a greenway under subsection (2)(b) or (c) as soon as practicable after the greenway is closed.

(4) The Minister is not obliged to give notice—

- (a) under subsection (3)(a) or (b) if an alternative route to the closed section of the greenway has been provided for persons using the greenway; or
- (b) under subsection 3(b) if the closed section of the greenway has already been re-opened before the notice can be given.

(5) A notice under subsection (3) must—

- (a) identify the greenway, or the part of the greenway, that is to be, or has been, closed; and
- (b) in the case of a greenway that is to be closed, state the date on which it will be closed; and
- (c) state the reason or reasons for the closure; and
- (d) if possible specify the period during which the greenway is to remain closed.

(6) The Minister must, to the extent that in his or her opinion it is practicable to do so, place signs at the points of entry to a greenway that has been closed under this section informing persons intending to use the greenway that it is closed.

(7) The Minister may re-open a greenway closed under subsection (2).

(8) If the Minister wishes to re-open a greenway closed for more than three months under subsection (2), the Minister must give notice of the re-opening of the greenway by notice published in a newspaper circulating generally throughout the State.

Offences in relation to use of greenways

13. (1) A person who, without lawful authority, enters or uses a greenway in contravention of this Act (including the proclamation establishing the greenway) is guilty of an offence.

Maximum penalty: \$1 250
Expiation fee: \$160.

(2) A person who, without lawful authority, enters a greenway that is closed is guilty of an offence.

Maximum penalty: \$1 250

Expiation fee: \$160.

(3) The following persons have lawful authority for the purposes of subsection (2) to enter a greenway:

- (a) the owner and occupier of private land comprising the greenway;
- (b) the person in whom public land comprising the greenway is vested or who has the care, control or management of such land;
- (c) a person authorised by a person referred to in paragraph (a) or (b);
- (d) the Minister or a person authorised by the Minister.

PART 4 ACCESS AGREEMENTS

Ability to enter into agreements

14. The owner of private land may enter into an agreement under this Part with the Minister for the purposes of a greenway if all other persons with a legal interest in the land have consented to the agreement.

Nature of agreement

15. (1) Subject to section 18, an access agreement attaches to the land and accordingly—

- (a) the person who is the current owner of the land is a party to the agreement; and
- (b) on transfer of title to the land, the transferor ceases to be a party to the agreement.

(2) Subject to subsection (3), an access agreement is binding on all persons who from time to time have an interest in the land.

(3) An access agreement is subject to native title existing over the land when the agreement was made.

(4) An access agreement remains in full force and effect despite the fact that the land to which it applies has ceased to be private land because of a transfer of ownership or for any other reason.

Access agreement may include indemnity, etc.

16. (1) An access agreement may include—

- (a) an indemnity from a specified form of liability or right of action; or
- (b) a waiver or exclusion of a specified form of liability or right of action; or
- (c) an acknowledgment of liability; or
- (d) a disclaimer,

on the part of a party to the agreement.

(2) An access agreement may include a term requiring a party to the agreement to indemnify another party for costs incurred in defending legal proceedings against the second mentioned party.

(3) A term of an access agreement of a kind referred to in subsection (1) or (2) may be expressed to extend to, or to be for the benefit of, a person or body who or which is not a party to the agreement and, in such a case, the person or body may enforce, or obtain the benefit of, the term as if the person or body were a party to the agreement.

(4) An access agreement must either include a term of a kind referred to in subsection (1) or (2) or a statement that the parties to the agreement agree that such a term is not required.

(5) An amount that the Minister is liable to pay under an indemnity or an acknowledgment of liability in an access agreement is payable from the Consolidated Account which is appropriated to the necessary extent.

Variation of access agreement

17. (1) Subject to subsection (2), an access agreement may be varied at any time by agreement between the parties but only if it remains in conformity with the proclamation declaring the relevant greenway.

(2) An access agreement cannot be varied in a manner that affects the legal interest in the land of another person without that person's consent to the agreement.

Requirement to note an access agreement, etc.

18. (1) An access agreement, or the variation of an access agreement, has no force or effect under this Act unless or until a note is made under this section.

(2) The Registrar-General must, on the application of a party to an access agreement, note the agreement, or a variation, against the relevant instrument of title or—

- (a) in the case of land that has not been brought under the provisions of the *Real Property Act 1886*, against the land; or
- (b) in the case of land that is subject to a lease or agreement to purchase under the *Crown Lands Act 1929*, against the lease or agreement.

(3) The application must—

- (a) be in a form approved by the Registrar-General; and
- (b) comply with any requirement imposed by the Registrar-General for the purposes of this section; and
- (c) be accompanied by a fee determined by the Minister from time to time for the purposes of this Act after consultation with the Registrar-General.

(4) The noting of an agreement under this section—

- (a) does not give rise to an interest in land; and
- (b) does not give rise to rights under the *Real Property Act 1886*.

(5) However, despite the provisions of the *Real Property Act 1886*, an access agreement noted under this section is not discharged by the exercise of a power of sale or foreclosure under that Act and is not discharged by the exercise of a power of sale under any other Act.

Enforcement of agreement

19. (1) A party to an access agreement who believes that the other party ("the respondent") has contravened, or failed to comply with, a term of the agreement may apply to the District Court and the Court may, if satisfied that the respondent is in default—

- (a) order the respondent to take specified action to comply with the agreement or to rectify a situation caused by the respondent;
- (b) order the respondent to pay compensation for loss or damage caused by a breach or a failure to comply with the agreement;
- (c) make other orders that the Court considers to be appropriate in the circumstances.

(2) If, on an application under this section or before the determination of the proceedings commenced by an application, the District Court is satisfied that, in order to preserve the rights or interests of parties to the proceedings or for any other reason, it is desirable to make an interim order under this section, the Court may make such an order.

(3) An interim order—

- (a) may be made on an *ex parte* application; and
- (b) may be made on conditions determined by the District Court; and
- (c) will not operate after the proceedings in which it is made are finally determined.

**PART 5
ADMINISTRATION**

DIVISION 1—THE MINISTER

Minister's functions

20. The Minister's functions under this Act are—

- (a) to identify land that is suitable for greenways in this State and make recommendations to the Governor for the declaration of greenways; and
- (b) to establish and maintain greenways for the benefit of members of the public and visitors to this State.

Powers of the Minister

21. (1) The Minister may—

- (a) inspect, examine or survey any land to determine whether it is suitable for establishment as a greenway and for that purpose may—
 - (i) subject to subsection (2), enter any land; and
 - (ii) fix posts, stakes or other markers on any land; and
- (b) erect or place on or in land declared as a greenway and maintain, repair and replace such—
 - (i) structures, works, signs, equipment or other things; and
 - (ii) huts, hostels or other facilities,as are reasonably required for, or that are incidental to, the establishment and use of the greenway; and
- (c) acquire land, or an easement over land, for the purposes of this Act pursuant to an agreement with the owner of the land; and
- (d) exercise such other powers as are given to the Minister by this Act or are necessary or expedient for the performance by the Minister of his or her functions under this Act.

(2) The power to enter land for the purposes of subsection (1)(a) may only be exercised with the consent of the owner or occupier of the land.

Other functions and powers of the Minister

22. The Minister has such other functions and powers in relation to greenways as are assigned to the Minister by or under this Act or any other Act.

Nature of easement

23. (1) Despite the provisions of the *Real Property Act 1886*, an easement acquired over land by the Minister under section 21 for the purposes of this Act entitles the Minister, as against all other persons who have an interest in the land, to establish and maintain a greenway over the land in accordance with this Act so as to enable members of the public and visitors to this State to use the greenway in accordance with this Act.

(2) The easement is an easement in gross (in other words it does not benefit dominant land held by the Minister).

(3) An easement acquired over land under section 21 is subject to native title existing over the land when the easement was acquired.

Minister's power of delegation

24. (1) Subject to subsection (3), the Minister may delegate any of the functions or powers in relation to greenways generally or in relation to a particular greenway assigned to the Minister by or under this or any other Act to any person or body.

(2) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the Minister to act in any matter; and
- (d) is revocable at will by the Minister.

(3) The Minister cannot delegate—

- (a) the function of making recommendations to the Governor for the declaration of greenways; or
- (b) this power of delegation.

DIVISION 2—AUTHORISED OFFICERS

Appointment of authorised officers

25. (1) The Minister may appoint such persons to be authorised officers for the purposes of this Act as the Minister thinks fit.

(2) A person may be appointed by name or by reference to the office or position that he or she is holding or acting in for the time being.

(3) An appointment—

- (a) will be for a period stated in the instrument of appointment; and
- (b) may be made subject to conditions limiting the greenway or greenways, or the part of the greenway or greenways, in relation to which the appointee may exercise the powers of an authorised officer.

(4) The Minister may, in the instrument appointing an authorised officer, confer on the officer the power of arrest under section 29.

(5) A person appointed as an authorised officer must be issued with an identity card in a form approved by the Minister.

(6) The Minister may, by notice in writing served on an authorised officer appointed under this section—

- (a) vary or revoke a condition of the appointment; or
- (b) revoke the appointment.

Other authorised officers

26. (1) Every member of the South Australian police force is an authorised officer for the purposes of this Act.

(2) Every forest warden under the *Forestry Act 1950* and every warden under the *National Parks and Wildlife Act 1972* is an authorised officer for the purposes of this Act but, unless appointed as an authorised officer under section 25, he or she may only exercise the powers of an authorised officer in relation to a greenway, or that part of a greenway, that is situated in a forest reserve under the *Forestry Act 1950* or a reserve under the *National Parks and Wildlife Act 1972* in relation to which he or she has powers as a forest warden or a warden under the relevant Act.

Powers of authorised officers

27. (1) An authorised officer may exercise any of the following powers:

- (a) put to any person, whether on a greenway or not, any question relating to the administration of this Act;
- (b) take photographs, films or video or audio recordings or make a record in any other manner or by any other means;
- (c) require a person who the officer reasonably suspects has committed, is committing or is about to commit, an offence against this Act to state the person's full name and usual place of residence;
- (d) direct a person who is on a greenway and who the officer reasonably suspects has committed or is committing an offence against this Act to leave the greenway by the route directed by the officer and not to re-enter the greenway for a period (not exceeding 24 hours) directed by the officer.

(2) If an authorised officer suspects on reasonable grounds that the name or place of residence of a person stated pursuant to this section is false, the officer may require the person to produce evidence of his or her full name or usual place of residence.

(3) An authorised officer in exercising powers under this section may be accompanied by such assistants as are reasonably necessary in the circumstances.

(4) An authorised officer must at the request of a person in relation to whom the officer is exercising, or proposing to exercise, powers under this Act produce to the person—

- (a) in the case of an authorised officer appointed under this Act or a forest warden or warden appointed under the *Forestry Act 1950* or the *National Parks and Wildlife Act 1972*—the identity card issued to the officer, forest warden or warden;
- (b) in the case of a member of the police force—the member's warrant card.

(5) An authorised officer, or a person assisting an authorised officer, who—

- (a) addresses offensive language to any other person; or
- (b) without lawful authority, or a reasonable belief as to lawful authority, hinders or obstructs, or uses or threatens to use force in relation to, any other person,

is guilty of an offence.

Maximum penalty: \$5 000

Expiation fee: \$315.

Hindering, etc., persons engaged in the administration of this Act

28. A person who—

- (a) without reasonable excuse hinders or obstructs an authorised officer or other person engaged in the administration of this Act; or
- (b) fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or
- (c) fails without reasonable excuse to comply with a requirement or direction of an authorised officer under this Act; or
- (d) uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or
- (e) falsely represents, by words or conduct, that he or she is an authorised officer,

is guilty of an offence.

Maximum penalty: \$5 000

Expiation fee: \$315.

Power of arrest

29. (1) Subject to subsection (3), an authorised officer may, without warrant, arrest a person who, without reasonable excuse—

- (a) fails to comply with a requirement or direction of an authorised officer under this Act; or
- (b) hinders an authorised officer in the exercise of powers or functions under this Act.

(2) Where an authorised officer arrests a person under this section, the officer must, as soon as possible, take the person, or have the person taken, to the nearest police station at which facilities are continuously available for the care and custody of the person arrested.

(3) Subsection (1) does not apply to a person appointed as an authorised officer under this Division if the instrument of appointment does not confer on the officer the power of arrest under this section.

PART 6
MISCELLANEOUS

Gifts of property

30. (1) Subject to subsection (2), real or personal property given to the Minister for the purposes of this Act must be used for those purposes.

(2) The Minister may refuse to accept a gift if he or she is of the opinion that the property concerned is not needed or is not suitable for the purposes of this Act.

Offence of trespassing on private land from greenway

31. (1) A person must not enter private land from a greenway if he or she—

(a) has possession of a firearm; or

(b) is accompanied by a dog that he or she had brought onto the greenway.

Maximum penalty: \$1 250

Expiation fee: \$160.

(2) A person who has brought a dog onto a greenway must not permit the dog to enter private land from the greenway.

Maximum penalty: \$1 250

Expiation fee: \$160.

(3) It is a defence to a charge of an offence against subsection (1) or (2) if the defendant proves that he or she entered the land, or permitted the dog to enter the land, with the permission of the owner or occupier of the land.

Application of fees and penalties

32. (1) Subject to subsection (2), fees payable under this Act and penalties recovered from persons convicted of offences against this Act must be paid to the Minister and must be applied by the Minister in the administration of this Act.

(2) Subsection (1) does not apply to a fee paid to the Registrar-General under section 18.

General defence

33. It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Proceedings for offences

34. (1) Proceedings for an offence against this Act may be commenced by an authorised officer or by any other person if that person is authorised to do so in writing by the Minister.

(2) An apparently genuine document purporting to be under the hand of the Minister and to authorise the commencement of proceedings under this Act must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

Service of notices

35. A notice will be taken to have been served for the purposes of this Act if it is—

- (a) served on or given to the person on whom it is to be served or an agent of the person; or
- (b) left for the person at his or her place of residence or business with someone apparently over the age of 16 years; or
- (c) sent by post to the person at his or her last known address; or
- (d) where it is not reasonably practicable to serve the notice by any of the methods referred to in paragraph (a), (b) or (c)—left in a conspicuous place on the land to which the notice relates.

Regulations

36. (1) 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) Without limiting subsection (1), the regulations may—

- (a) regulate the use and enjoyment of greenways; and
- (b) permit the riding of a horse on a greenway set aside for walking, cycling, skating or any other purpose; and
- (c) permit the riding of an animal of any other species on a greenway set aside for horse riding, walking, cycling, skating or any other purpose; and
- (d) provide for the safety of persons on greenways; and
- (e) provide for the impounding, removal, destruction, or disposal of animals found straying on greenways; and
- (f) provide for the impounding, removal or disposal of any vehicle or other property found on a greenway in contravention of a regulation; and
- (g) regulate, restrict or prohibit the use of motor vehicles or other vehicles on greenways; and
- (h) prohibit the taking of firearms onto greenways and the use of firearms on or near greenways; and
- (i) regulate, restrict or prohibit camping on greenways; and
- (j) regulate, restrict or prohibit the erection of buildings, signs or other structures on greenways; and
- (k) regulate, restrict or prohibit any other conduct of persons on greenways; and
- (l) provide for the protection and preservation of buildings, structures, signs and other improvements on greenways; and

- (m)** prescribe, and provide for the collection or recovery of, fees for—
 - (i)** the use of camping grounds, huts or other accommodation or facilities provided on greenways;
 - (ii)** the commercial use of greenways; and
- (n)** prescribe penalties, not exceeding \$1 250, for breach of, or non-compliance with, any regulation.

SCHEDULE*Amendment of Development Act 1993*

1. Section 57 of the *Development Act 1993* is amended—
 - (a) by inserting the following subsections after subsection (1):
 - (1a) Subject to subsection (1b), a greenway authority may enter into an agreement relating to the management, preservation or conservation of land with the owner of the land if—
 - (a) the land comprises a greenway, or part of a greenway, for which the authority is responsible; or
 - (b) where the land does not comprise a greenway—it is a term of an access agreement under the *Recreational Greenways Act 2000* that the greenway authority will enter into the agreement.;
 - (1b) A greenway authority that is not the Minister under the *Recreational Greenways Act 2000* may only enter into an agreement under subsection (1a) if the agreement has been approved by that Minister.
 - (b) by striking out "or a council" from subsection (3) and substituting ", a greenway authority or a council";
 - (c) by inserting "or a greenway authority" after "Minister" in subsection (3a);
 - (d) by inserting "the greenway authority," after "the Minister," in subsection (8);
 - (e) by inserting "a greenway authority or" before "a council" first occurring in subsection (11);
 - (f) by inserting the following definition before the definition of "owner" in subsection (13):

"a greenway authority" means—

 - (a) the Minister for the time being administering the *Recreational Greenways Act 2000*; or
 - (b) an association incorporated under the *Associations Incorporation Act 1985* that has been approved by the Minister referred to in paragraph (a) as a greenway authority for the purposes of this definition.