

RECREATION GROUNDS (JOINT SCHEMES) ACT, 1947

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RECREATION GROUNDS (JOINT SCHEMES) ACT, 1947

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Recreation Grounds (Joint Schemes) Act, 1947, No. 39 of 1947 [Assented to 11th December, 1947].

An Act relating to the provision of recreation grounds.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Recreation Grounds (Joint Schemes) Act, 1947". Short titles.
2. In this Act— Interpretation.
 - "council" means council of a municipality or a district council district;
 - "the Minister" means the Minister of Education;
 - "party" means the Minister and any council which is a party to a scheme;
 - "scheme" means scheme prepared under section 4 of this Act.
3. (1) This Act is incorporated with the Compulsory Acquisition of Land Act, 1925¹. Incorporation with Compulsory Acquisition of Land Act.
 - (2) For the purposes of the Compulsory Acquisition of Land Act, 1925¹—
 - (a) a party acquiring land pursuant to a scheme shall be deemed to be the promoter of an undertaking;
 - (b) the preparation or making available of land for use pursuant to the terms of a scheme shall be deemed to be works, and an undertaking.
4. (1) The Minister and any one or more councils may join in preparing a scheme under this section. Joint schemes.
 - (2) A scheme may provide for all or any of the following matters, namely:—
 - (a) the purchase or compulsory acquisition of land by all or any of the parties;
 - (b) the payment of the purchase money or compensation, and the shares thereof or contributions thereto, to be paid by the parties;
 - (c) that upon purchase the land will be vested in any one or more of the parties for the estates or interests specified in the scheme;

¹ The Compulsory Acquisition of Land Act, 1925, and its amendments were repealed by the Land Acquisition Act, 1969 (now Land Acquisition Act, 1969-1972). See also s. 5 of Act No. 93 of 1969.

- (d) subject to subsection (3) of this section, that each party and all persons authorized by a party, shall have such rights to the use and occupation of the land, and on such terms and conditions, and for such periods, as are specified in the scheme;
- (e) that any party shall make a loan to any other party to the scheme on terms and conditions specified in the scheme as to repayment, interest and other matters;
- (f) the construction of improvements on the land, and the maintenance and repair of any such improvements;
- (g) any other matters incidental to those mentioned above.

(3) A scheme shall not be valid unless it provides among other things that the land to be purchased or acquired thereunder shall be available during the hours specified in the scheme for use by children attending a public school, as a school playground, or for the purposes of sport, recreation, physical culture or other activities.

(4) In preparing a scheme any person authorized by a party may act on behalf of that party.

Confirmation of scheme.

5. A scheme prepared under this Act shall not be carried into effect until it has been confirmed by the Governor, and by every council which is a party to the scheme, at a duly convened meeting of that council.

Execution of scheme.

6. When a scheme has been confirmed—

- (a) every party thereto shall have power to carry it into effect and for that purpose may acquire land either by compulsory process or otherwise, enter into any other transaction, and do any other act, matter or thing which it is necessary or convenient to enter into or do for the purpose of carrying the scheme into effect;
- (b) any land purchased or acquired under the scheme shall be used in accordance with the scheme.

Variation of schemes.

7. A scheme under this Act may be varied by a subsequent scheme confirmed as mentioned in section 5, but every scheme as so varied shall be subject to subsection (3) of section 4 of this Act.

Termination of schemes.

8. A scheme may be terminated by a subsequent scheme, confirmed as mentioned in section 5. The terminating scheme shall provide for the sale or other disposal of the land and improvements, and the distribution of any proceeds of such sale or disposal.

Payments by councils.

9. This Act shall be a sufficient authority for a council which is party to a scheme to make any payments out of its revenue required for the purpose of carrying out the scheme.

Payments by Minister.

10. Any money required by the Minister for carrying out a scheme shall be paid out of money provided by Parliament for that purpose.