



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 27 of 1985

An Act to amend the Roads (Opening and Closing) Act, 1932.

[Assented to 28 March 1985]

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

1. (1) This Act may be cited as the "Roads (Opening and Closing) Act Amendment Act, 1985". Short title.

(2) The Roads (Opening and Closing) Act, 1932, is in this Act referred to as "the principal Act".

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

3. Section 7 of the principal Act is amended by striking out from subsection (1) the passage "or any council" and substituting the passage "a council or the South Australian Planning Commission". Amendment of s. 7—
Exemption of gardens, parks, etc.

4. Section 8 of the principal Act is repealed and the following sections are substituted: Repeal of s. 8 and substitution of new sections.

8. A road, or part of a road, shall not be closed pursuant to this Act if it is a stock route, or part of a stock route, for the purposes of section 99 of the Pastoral Act, 1936. Exemption of stock routes.

8a. (1) A new road may be opened or an existing road, or part of an existing road, may be altered, added to or closed by order made by the Commissioner, a council or the South Australian Planning Commission and confirmed by the Minister in accordance with this Act. Orders as to opening, closing, etc., of roads.

(2) Where the road is outside a district, the order may be made by the Commissioner.

(3) Subject to subsection (4), where the road is within the district of a council, the order may be made by the council.

(4) Where—

(a) the road is within the district of a council;

(b) the opening or closing of, or the alteration or addition to, the road is part of, or is related to, a proposed development;

and

(c) the appropriate planning authority under the Planning Act, 1982, in relation to that development is the South Australian Planning Commission or the Governor,

the order may be made by the South Australian Planning Commission.

Proceedings to be taken by Commission or council.

8b. Proceedings under this Act that are preliminary to an order for the opening of a new road or the alteration or addition to, or the closing of, an existing road, or part of an existing road, may be taken—

(a) if the road is not situated in a district—by the Commissioner;

(b) if the road is situated in a district—by the council of the district (whether or not the meeting at which the order may be made will be held by the council or the South Australian Planning Commission).

Amendment of s. 9—
Opening and closing, etc., of roads.

5. Section 9 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “at any one time by one proceeding or from time to time”;

and

(b) by striking out paragraphs (a), (b) and (c) of subsection (1).

Amendment of s. 11—
Procedures for opening, closing, etc., of roads.

6. Section 11 of the principal Act is amended by striking out from subsection (1) the passage “The proceedings of the Commissioner or a council to open new roads, or alter, add to, close, or exchange existing roads shall be as follows:” and substituting the passage “The Commissioner or a council shall comply with the requirements set out below in relation to the opening of a new road or the alteration or addition to, or the closing of, an existing road:”.

Amendment of s. 12—
Duties of Surveyor-General on receiving plans.

7. Section 12 of the principal Act is amended—

(a) by striking out from paragraph III of subsection (1) the passage “, or of the council,” and substituting the passage “, or of the council or of the South Australian Planning Commission,”;

and

(b) by striking out from subsection (3) the passage “the Commissioner or council” and substituting the passage “the Commissioner, the council or the South Australian Planning Commission”.

Amendment of s. 13—
Proceedings at meeting.

8. Section 13 of the principal Act is amended by striking out from subsection (1) the passage “At the time and place fixed by such notice, the Commissioner, together with the Surveyor-General, shall hold a meeting, or the council” and substituting the passage “At the time and place fixed by the notice, the Commissioner and the Surveyor-General, or the council or the South Australian Planning Commission, as the case requires,”.

Amendment of s. 14—
Proceedings where opening, closing, etc., of road allowed.

9. Section 14 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “the Commissioner or the council” where twice occurring and substituting, in each case, the passage “the Commissioner, the council or the South Australian Planning Commission”;
- (b) by striking out from subsection (2) the passage “the Commissioner or council” where twice occurring and substituting, in each case, the passage “the Commissioner, the council or the South Australian Planning Commission”;
- (c) by inserting in subsection (2) after the passage “the district clerk” the passage “or the Chairman of the South Australian Planning Commission”;

and

- (d) by striking out subsections (3) and (4) and substituting the following subsections:

(3) The Commissioner, the council or the South Australian Planning Commission, as the case requires, shall forward two copies of the order, executed in the prescribed manner, to the Surveyor-General.

(4) The Surveyor-General shall forward both copies of the order together with his recommendations as to confirmation of the order to the Minister.

(5) The Minister may confirm the order within six months of the date on which it was made.

10. Section 21 of the principal Act is amended by striking out from subsection (2) the passage “or council” and substituting the passage “, a council or the South Australian Planning Commission”.

Amendment of
s. 21—
Certain orders not
to be reviewable
by Supreme
Court.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor