



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 90 of 1985

An Act to amend the South Australian Heritage Act, 1978.

[Assented to 3 October 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 "South Australian Heritage Act Amendment Act (No. 2), 1985". Short title.

(2) The South Australian Heritage Act, 1978, 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 4 of the principal Act is amended by inserting after paragraph (a) of the definition of "the Authority" in subsection (1) the following paragraph: Amendment of s. 4— Interpretation.

(ab) where the agreement was entered into under the Native Vegetation Management Act, 1985, the Minister for the time being responsible for the administration of that Act;

4. Section 16a of the principal Act is amended by inserting after subsection (2) the following subsection: Amendment of s. 16a— Heritage agreements.

(3) The Minister for the time being responsible for the administration of the Native Vegetation Management Act, 1985—

(a) shall enter into a heritage agreement if required to do so under that Act;

(b) may enter into a heritage agreement with the owner of an Item comprising land on which native vegetation is situated if the Minister considers that the vegetation should be preserved or enhanced.

5. Section 16b of the principal Act is amended—

(a) by inserting after subparagraph (vii) of paragraph (a) of subsection (1) the following subparagraph: Amendment of s. 16b— Terms and effect of heritage agreements.

- (viiia) where the owner, a predecessor in title of the owner (or both), have by virtue of the agreement obtained relief from the payment of rates or taxes—to repay to the appropriate rating or taxing authority, in the event of contravention or failure to comply with the agreement, the aggregate value of that relief;
- (b) by striking out the word “and” between paragraphs (a) and (b) of subsection (1) and by inserting after paragraph (b) of that subsection the following word and paragraph:
- and
- (c) where the agreement was entered into for the purpose of preserving or enhancing native vegetation (whether the agreement was entered into under the Native Vegetation Management Act, 1985, or not)—releasing the owner of the Item wholly, or to a specified extent, from the obligation to pay rates (including council rates) and taxes in relation to the Item.;
- (c) by inserting after subsection (1) the following subsection:
- (1a) A term of a heritage agreement—
- (a) releasing a person from the obligation to pay rates or taxes shall have effect notwithstanding any Act or law to the contrary;
- (b) releasing a person wholly or in part from the obligation to pay council rates shall not operate before the commencement of the second rating year next following the date of the agreement.;
- and
- (d) by inserting after subsection (8) the following subsection:
- (9) In subsection (3):
- “successors in title” includes a mortgagee or encumbrancee in possession of an Item pursuant to a mortgage or encumbrance registered before the registration of the fact that the heritage agreement had come into force in respect of that Item.

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

D. B. DUNSTAN, Governor