



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 77 of 1966

An Act to enable national parks to be established, developed and maintained for public recreation and to provide for the management, control and conservation therein of animals, plants and land in its natural state ; to repeal The National Park and Wild Life Reserves Act, 1891-1960, to make other provision in lieu thereof and for other purposes.

[Assented to 1st December, 1966.]

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

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "National Parks Act, 1966". Short title.
2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.
3. The provisions of this Act are arranged as follows :— Arrangement.
 - PART I.—PRELIMINARY, ss. 1-5.
 - PART II.—THE NATIONAL PARKS COMMISSION, ss. 6-17—
 - DIVISION I.—ESTABLISHMENT OF THE COMMISSION, ss. 6-14 :

PART I.

DIVISION II—POWERS OF THE COMMISSION, ss. 15-17.

PART III.—NATIONAL PARKS, ss. 18-25.

PART IV.—MISCELLANEOUS, ss. 26-33.

Repeal of
The National
Park and
Wild Life
Reserves Act,
1891-1960.

Savings.

4. (1) The Acts mentioned in the first column of the First Schedule to this Act are repealed as respectively specified in the second column of that Schedule.

(2) The repeals effected by subsection (1) of this section shall not, except as is in this Act by necessary implication provided, affect the validity or operation of any regulation or by-law in force under the repealed Act immediately before such repeals.

Interpretation.

5. In this Act, unless the context otherwise requires or some other meaning is clearly intended—

“animal” includes beast, bird, reptile, fish and insect :

“member” means a member of the Commission who is appointed pursuant to section 7 of this Act and includes the Chairman of the Commission :

“national park” means land declared to be a national park pursuant to section 19 or 20 of this Act and which has not ceased to be a national park or a part thereof pursuant to section 22 or 23 of this Act :

“the Chairman” means the Chairman of the Commission :

“the Commission” means The National Parks Commission established pursuant to section 6 of this Act :

“the repealed Act” means The National Park and Wild Life Reserves Act, 1891-1960.

PART II.**PART II.****THE NATIONAL PARKS COMMISSION.****DIVISION I.—ESTABLISHMENT OF THE COMMISSION.**

Establishment
of The
National Parks
Commission.

6. (1) A Commission by the name of “The National Parks Commission” is hereby established.

(2) The Commission—

(a) shall be a body corporate with perpetual succession ;

(b) shall have a common seal ;

(c) subject to this Act shall be capable of acquiring, holding and disposing of real and personal property ;

and

(d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

(4) The Commission shall not, except in relation to any matter in which the Commission is specially authorized by the Governor so to act, be an instrumentality, agent, servant or representative of the Crown.

7. (1) The Commission shall consist of fifteen members who shall be appointed by the Governor upon the recommendation of the Minister and of whom one shall be appointed as Chairman and another shall be appointed as Deputy Chairman thereof.

Members of
the
Commission.

(2) If a casual vacancy occurs in the office of a member of the Commission the Governor may, upon the recommendation of the Minister, appoint a suitable person to the vacant office.

(3) In making any recommendation for the purposes of this section, the Minister shall have regard to the desirability for representation on the Commission of any class of primary producer and shall, in addition to any other considerations which appear to him to be relevant have regard to any special knowledge which that person has of the activities of any body the objects of which are the same as or similar to the objects of this Act.

(4) The performance of the functions or the exercise of the powers of the Commission shall not be affected by reason only of there being a vacancy in the membership of the Commission.

(5) All acts and proceedings of the Commission shall, notwithstanding any defect in the appointment of any member thereof, be as valid and effectual as if the member had been duly appointed as a member of the Commission and as if the Commission had been properly and fully constituted.

8. (1) In subsections (2), (3), (4) and (5) of this section, "member" does not include the Chairman.

Term of
office of
members of
the
Commission.

(2) Subject to this Act, the Chairman shall hold office for such period as is specified by the Governor in the instrument of his appointment and each of the other members shall hold office for a period of three years.

(3) Five of the members of the Commission as first constituted under this Act shall retire on the thirtieth day of June next ensuing after the date on which they were appointed, and five of the remaining members shall retire on the thirtieth day of June second occurring after the date of their appointment.

(4) The ten members referred to in subsection (3) of this section shall, in default of agreement between them within fourteen days after their appointment, be determined by lot.

PART II.

(5) A member appointed to fill a casual vacancy on the Commission shall hold office for the balance only of the term of the member in whose place he was appointed.

(6) A member whose term of office has expired before his successor is appointed shall, subject to this Act, remain in office until his successor is appointed.

(7) A retiring member shall be eligible for re-appointment.

Casual vacancies.

9. The office of any member shall become vacant if—

- (a) he dies ;
- (b) he resigns by written notice given to the Minister ;
- (c) he is removed from his office by the Governor for neglect of his duties, misbehaviour or mental or physical incapacity to perform his duties as member ;
- (d) he is absent without leave granted by the Commission from more than four consecutive meetings of the Commission ;
- (e) he becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar ;
- (f) he is convicted of an offence involving fraud or dishonesty punishable on conviction by imprisonment.

Abolition of "The Commissioners of the National Park and Wild Life Reserves".**Provisions consequential upon abolition of "The Commissioners of the National Park and Wild Life Reserves".**

10. The body corporate known as "The Commissioners of the National Park and Wild Life Reserves" and the offices of the commissioners of that body corporate are hereby abolished.

11. (1) In this section—

"the former corporation" means The Commissioners of the National Park and Wild Life Reserves constituted pursuant to the repealed Act.

(2) All properties, rights, powers, duties and liabilities of the former corporation are, subject to this section, hereby transferred to and vested in the Commission.

(3) The following lands of which the former corporation is the registered proprietor are hereby transferred to and vested in the Crown for an estate of fee simple—

- (a) the land referred to as "The National Park" in section 4 of the repealed Act being the whole of the land comprised in Certificate of Title Register Book Volume 2783 Folio 95 ;

and

- (b) the land commonly known as the Nixon Skinner Wild Life Reserve being the whole of the land comprised in Certificate of Title Register Book Volume 2618 Folio 146.

Upon the commencement of this Act, the Registrar-General shall, without fee, make such entries in the register book as may be necessary to give effect to this subsection.

(4) In any proceeding or transaction of any kind to which immediately before the commencement of this Act the former corporation was a party the Commission shall be substituted for the former corporation.

(5) Any reference to the former corporation or a commissioner thereof in any Act, regulation, rule or other law or in any order of a court, instrument, agreement or document of any kind shall be read as a reference to the Commission or to a member thereof, as the case may be.

12. (1) The Chairman or, if the Chairman is absent or his office is vacant, the Deputy Chairman may convene meetings of the Commission.

The Chairman
and Deputy
Chairman.

(2) The Chairman shall preside at all meetings of the Commission at which he is present or, if he is absent from any meeting, the Deputy Chairman may act in his place and, when so acting, shall have all the powers and duties of the Chairman.

(3) If the Chairman and Deputy Chairman are both absent from a meeting of the Commission, the members present shall elect one of their number to act as chairman at the meeting and, when so acting, such member shall have all the powers and duties of the Chairman.

(4) At a meeting the Chairman shall not have a deliberative vote but, in the event of an equality of votes, may exercise a casting vote.

13. (1) Subject to this Act, the business of the Commission shall be conducted in such manner as the Commission determines.

Business of
the
Commission.

(2) Six members of the Commission shall form a quorum thereof.

(3) A meeting of the Commission shall be held at least once in every period of two months.

14. Members of the Commission may be paid out of the funds of the Commission, such allowances and expenses as are approved by the Minister.

Allowances and
expenses of
Members.

DIVISION II.—POWERS OF THE COMMISSION.

Powers of
Commission.

15. (1) The Commission may—

- (a) appoint and employ, subject to such terms and conditions as it thinks fit, such officers and servants as may be required for the purposes of this Act ;
- (b) do any act or thing, enter into and perform any contract or other transaction, which is necessary or convenient to be done, entered into or performed, for the purpose of giving effect to the objects of this Act, or which is incidental to the exercise of any power or function of the Commission and in particular, but without limiting the generality of the foregoing—
 - (i) set apart any land comprised in a national park for—
 - (A) the conservation of water ;
 - (B) sports, games and other recreational facilities ;
 - (C) gardens ;
 - and
 - (D) enclosures and sanctuaries for animals ;
 - (ii) make roads, ways, paths and bridges ;
 - (iii) erect buildings ;
 - (iv) construct fences, fords and cuttings ;
 - (v) plant and remove trees, shrubs, flowers and other plants ;
 - (vi) remove and sell stone, bark and timber ;
 - (vii) sell and exchange plants and animals ;
- (c) with the approval of the Minister, lease or grant other rights of occupation over—
 - (i) any land forming part of a national park ;
 - (ii) any land owned by the Commission ;
 - or
 - (iii) any other land the care, control and management of which is vested in the Commission, upon such conditions as may be approved by the Minister, for the provision of kiosks and temporary accommodation for the public ;

- (d) with the approval of the Minister, for the purpose of carrying out any work or undertaking authorized by this Act, borrow money on such terms and conditions as it thinks proper but without creating any mortgage or charge over land comprised in a national park ;
- (e) with the consent of the Minister administering any Department of the Public Service of the State and subject to such conditions as he thinks fit, make use of the services of any officer or employee of that Department ;
- (f) delegate to any member, officer or employee of the Commission, subject to any conditions specified in the instrument of delegation, any of its powers or functions under this Act (except this power of delegation) ;
- (g) for any purpose which is not inconsistent with the objects of this Act, lease such part or parts of any land, the care, control and management of which is vested in the Commission, for such term, under such conditions and to such persons or bodies as may be approved by the Minister ;

and

- (h) authorize the erection of buildings and other improvements on land leased pursuant to the powers given by paragraph (g).

(2) Any power or function delegated under paragraph (f) of subsection (1) of this section may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) Any such delegation shall be revocable at will and shall not prevent the exercise of any power or the performance of any function by the Commission.

16. It shall be lawful for the Commission to accept—

- (a) grants, conveyances, transfers and leases of land whether from the Crown or any instrumentality thereof or any other person ;
 - (b) rights to the use, control, management or occupation of any land ;
- and
- (c) gifts of personal property of any kind, to be used or applied by it for the purposes of this Act.

Commission
may accept
gifts and
real and
personal
property, etc.

PART II.By-laws.

17. (1) The Commission may, with the approval of the Governor, make by-laws—

- (a) for the safety and preservation of national parks and any property therein ;
- (b) for regulating traffic in national parks and for prohibiting access to any class of persons to any national park or portion thereof ;
- (c) for regulating the conduct of persons in national parks and for the removal therefrom of any person who contravenes any by-law made under this Act and of any vehicle or other property found therein in respect of which there is contravention of any such by-law or any other law ;
- (d) for fixing the hours during which and the days on which national parks shall be open to the public ;
- (e) for grazing cattle and for impounding cattle, sheep or other stock found straying in national parks and for the disposal thereof ;
- (f) except in the case of cattle grazing pursuant to paragraph (e) of this subsection, for the destruction (without liability therefor) of any specified class of animals found at large in national parks ;
- (g) for the levying of tolls for entry into national parks (or any portions thereof) of persons or vehicles included in any class of persons or vehicles ;
- (h) for the protection and management of animals and plants in national parks ;
- (i) otherwise for the care, control and management of national parks ;
- (j) for the fixing of penalties for any breach of any such by-laws not exceeding for any offence the sum of two hundred dollars.

(2) By-laws made under this section may apply in relation to national parks generally or to specified national parks or to specified portions thereof.

PART III.

PART III.

NATIONAL PARKS.

Interpretation.

18. In this Part—

“Crown Lands Act” means the Crown Lands Act, 1929-1965, and “Crown Lands” has the same meaning as in that Act.

19. (1) The several lands described in the Second Schedule to this Act and the land delineated in bold black outline in the plan in the Third Schedule to this Act are hereby declared to be national parks.

(2) The Governor may from time to time by proclamation declare the name by which any national park shall be known.

(3) Any proclamation made pursuant to section 5 of the Crown Lands Act or section 4a of the repealed Act under which any such land is dedicated as a national park or dedicated or declared as a wild-life reserve is hereby revoked and the dedication or declaration is cancelled.

20. (1) The Governor may, subject to subsection (2) of this section, declare, by proclamation, that any Crown lands or any land owned in fee simple by the Commission which is not subject to any encumbrance shall be a national park under such name as is specified in the proclamation or any subsequent proclamation.

(2) A proclamation under subsection (1) of this section shall be made—

(a) in the case of Crown lands, upon the recommendation of the Minister ;

or

(b) in the case of land owned by the Commission—upon the recommendation of the Commission.

(3) Upon any such declaration the land shall become vested in the Crown.

(4) Except in changing the name of any national park or in adding any land thereto, a proclamation under this section shall not be varied or revoked by any subsequent proclamation.

21. (1) All national parks shall be under the care, control and management of the Commission.

(2) The Commission shall, as far as practicable—

(a) maintain and preserve the indigenous fauna and flora in and the natural features of national parks for the use and enjoyment of the people of the State ;

(b) take measures in respect of national parks—

(i) for the control of such noxious weeds and dangerous weeds as may, from time to time, be declared to be such pursuant to the Weeds Act, 1956-1963 ;

- (ii) for the control of vermin within the meaning of the Vermin Act, 1931-1962 ;
- (iii) for the control of insect and disease within the meaning of the Vine, Fruit, and Vegetable Protection Act, 1885-1959 ; and
- (iv) to reduce the hazards of bushfire.

Resumption of national parks.

22. Where a resolution is passed by each House of Parliament, notice of which resolution having been given in each House at least fourteen sitting days before the resolution is passed by such House, that any land delineated in any plan referred to therein which is a national park or a part thereof shall cease to be a national park or a part thereof, as the case may require—

(a) such resolution shall have effect according to the tenor thereof ;

and

(b) the land may be disposed of as provided by section 262a of the Crown Lands Act and the provisions of that section shall apply and have effect as if the land had been acquired as mentioned in that section.

Land in national parks may be dedicated as public roads.

23. Notwithstanding anything contained in this Act, the provisions of the Crown Lands Act relating to the dedication of Crown lands as public roads shall apply and have effect in relation to any land forming part of a national park, and, for the purposes of this section, references in that Act to Crown lands shall be read as including references to any such land.

Land in national parks not to be disposed of.

24. Except as provided in paragraph (c) of subsection (1) of section 15 and in sections 22 and 23 of this Act, a national park or any part thereof shall not, notwithstanding anything contained in any other Act, be disposed of or cease to be a national park or a part thereof, as the case may be.

Mining Acts not to apply to national parks.

25. (1) Subject to subsection (2) of this section, the provisions of the Mining Act, 1930-1962, and of the Mining (Petroleum) Act, 1940-1963, shall not apply to any land comprised in a national park, and no lease, licence or right under either of those Acts shall be granted or issued in respect of any land.

(2) The Governor may by proclamation declare that any land comprised in a national park or any part thereof shall be brought under and be subject to either or both of the Acts referred to in subsection (1) of this section with or without modifications specified in the proclamation. Upon the making of any such proclamation, the Act specified therein shall apply to and in respect of the national park specified therein with such modifications as are so specified.

PART IV.

PART IV.

MISCELLANEOUS.

26. (1) Notwithstanding anything contained in the Stamp Duties Act, 1923-1965, no stamp duty shall be payable on any instrument by which land or any interest in or right over land is granted or assured to or vested in the Commission or on any contract or instrument executed by the Commission for the purpose of disposing of any property.

Certain taxes etc. not to apply to Commission.

(2) Notwithstanding anything contained in the Succession Duties Act, 1929-1963, no succession duty shall be payable in respect of any property or interest passing to the Commission on or by reason of the death of any person, and any such property shall not be subject to succession duty under that Act.

(3) Notwithstanding anything contained in any other Act, no rates, taxes or assessments of any kind shall be made, calculated or charged upon any land comprised in a national park or on any building therein.

27. (1) The Commission shall keep full accounts of all moneys received and paid by or on account of the Commission showing the purposes for which those moneys have been received or paid.

Accounts and audit.

(2) The accounts of the Commission for each financial year shall be audited by the Auditor-General and for this purpose the Audit Act, 1921-1959, shall apply and have effect as if the Commission were a department of the Public Service.

(3) The Commission shall, as soon as possible after the close of each financial year, prepare a report of its proceedings during that financial year, including a statement showing the attendance of members at meetings of the Commission and the receipts and expenditure of the Commission during that year, and shall present the report and statement to the Minister.

Annual report.

(4) The Minister shall, as soon as possible after receiving the report, cause it to be laid before both Houses of Parliament.

28. The Commission shall exhibit a copy or a summary (expressed in such language as it thinks fit) of each by-law made under this Act which contains an offence against the by-laws at such place or places in or on the boundary of each national park to which the by-law relates as may be appropriate and convenient for bringing such by-laws to the notice of the public.

By-laws to be exhibited.

PART IV.

Duty of
Registrar-
General.

29. The Registrar-General shall, without fee, upon the receipt by him from the Minister or, as the case may be, the Commission, of a copy of any proclamation made under section 20 as to any land which is subject to the Real Property Act, 1886-1963, make such entries in the register-book as may be necessary for giving effect to that section.

Summary
procedure for
offences.

30. All proceedings for offences against the by-laws made under this Act shall be heard and determined summarily.

Regulations
as to certain
offences.

31. (1) The Governor may by regulations which he is hereby authorized to make, specify the offences against the by-laws made under this Act to which this section shall apply.

(2) Any such offence may be so specified by reference to the by-law creating the offence, or by reference to the by-law for the breach of which a penalty is prescribed, or in any other manner sufficient to identify the offence.

(3) In every such regulation there shall be stated an amount (not exceeding five dollars) in relation to each such offence which shall be payable as provided by this section by any person alleged to have committed that offence.

(4) If any report is made by a member of the police force with respect to the commission of any offence to which this section applies, that report shall be referred to the Commission.

(5) If it is reported to the Commission (whether on the report of a member of the police force or otherwise) that any person is alleged to have committed any offence to which this section applies, the Commission may give notice to such person to the effect that he may expiate the offence by the payment to the Commission of the amount stated in relation to that offence as provided by subsection (3) of this section.

(6) Any such notice may be given by post addressed to the last or usual place of abode or business of such person and may require the person to pay such amount to the Commission on or before a day specified in the notice.

(7) If in respect of such offence the person pays the amount as required, he shall not be liable to any proceedings in any court of summary jurisdiction for such offence.

(8) Except as provided by this section, the Commission shall not have power to require or invite any person alleged to have committed any offence to pay any amount to it with respect to such offence.

(9) If, after any report is made by a member of the police force with regard to the commission of any offence to which this section applies, any payment in respect of that offence is made to the Commission as provided by this section, the Commission shall pay to the Treasurer one-half of the amount so paid and the amount paid to the Treasurer shall be paid by him into the general revenue ; but in every other case in which any payment is made to the Commission as provided by this section the amount so paid shall be regarded as moneys received by the Commission.

32. All moneys required for the purposes of this Act shall be paid out of— Financial provision.

(a) moneys to be provided by Parliament for such purposes ;

and

(b) moneys received by the Commission from any other source.

33. The Lands for Public Purposes Acquisition Act, 1914-1935, is amended as specified in the Fourth Schedule to this Act, and as so amended, may be cited as "The Lands for Public Purposes Acquisition Act, 1914-1966". Amendment of The Lands for Public Purposes Acquisition Act, 1914-1935

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

EDRIC BASTYAN, Governor.

THE SCHEDULES.

Section 4.

FIRST SCHEDULE.

ACTS REPEALED.

| Short Title of Act | Extent of Repeal |
|---|--|
| The National Park Act, 1891 | The Whole |
| National Park Act Amendment Act, 1933 | The Whole |
| Statute Law Revision Act, 1935 | So much of the Second Schedule thereto as refers to The National Park Act, 1891, as amended. |
| National Park Act Amendment Act, 1955 | The Whole |
| National Park and Wild Life Reserves Act Amendment Act, 1960. | The Whole |

Section 19.

SECOND SCHEDULE.

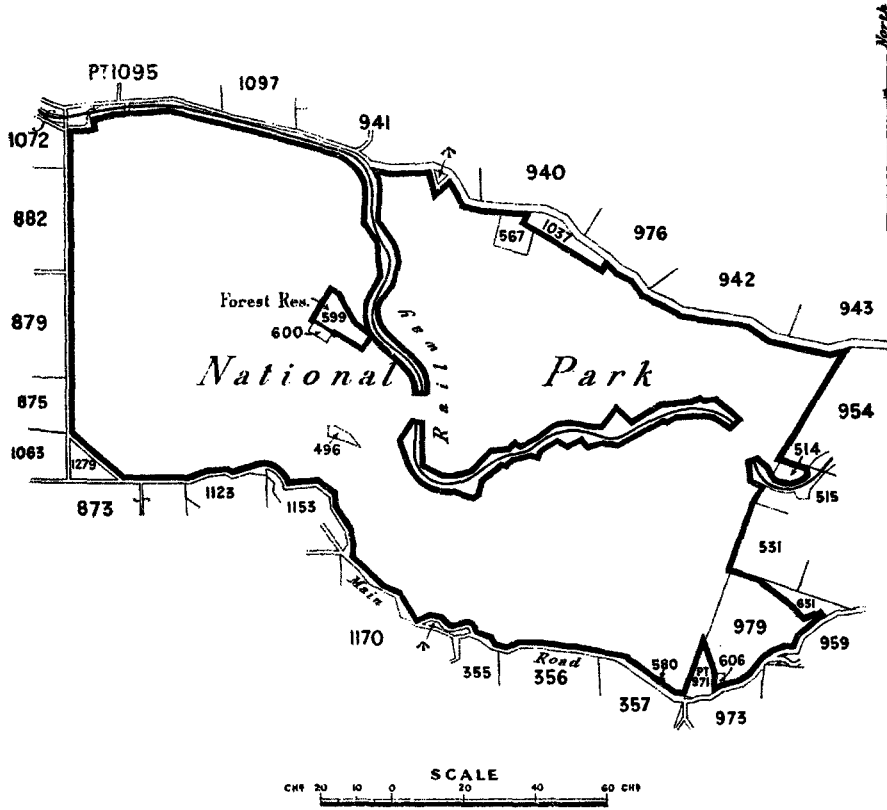
| | |
|---|--------------------------|
| Section 608 | Hundred of Adelaide |
| Sections 609 and 618 | Hundred of Adelaide |
| Section 612 | Hundred of Adelaide |
| Sections 7, 8, 9 and 10 | Hundred of Archibald |
| Sections 3 and 4 | Hundred of Makin |
| Section 26 | Hundred of Auld |
| Sections 15 and 18 | Hundred of Billiatt |
| Sections 119, 124, 125, 135, 138 and 315 | Hundred of Barossa |
| Section 72 | Hundred of Barossa |
| Section 311 | Hundred of Barossa |
| Sections 423 and 428 | Hundred of Para Wirra |
| Section 386 | Hundred of Benara |
| Section 157 | Hundred of Mayurra |
| Sections 377, 378, 379 and 396 | Hundred of Rivoli Bay |
| Sections 568 and 572 | Hundred of Clare |
| Sections 633 and 715 | Hundred of Encounter Bay |
| Sections 2, 3, 5, 6, 12, 13 and 14 | Hundred of Flinders |
| Sections 266, 267 and 268 | Hundred of Freeling |
| Sections 103, 238, 241, 242, 245, 246, 271 and 272 | Hundred of Freeling |
| Sections 17 and 60 | Hundred of Glyde |
| Section 6 | Hundred of Santo |
| Section 7 | Hundred of Hambidge |
| Section 364 | North out of Hundreds |
| Section 2 | Hundred of Hincks |
| Section 25 | Hundred of Murlong |
| Section 11 | Hundred of Nicholls |
| Section 365 | North out of Hundreds |
| Sections 92, 522, 688 and 850 | Hundred of Kuitpo |
| Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 21, 273, 274, 275, 276, 277 and 295 | Hundred of Lake Wangary |
| Section 1 | Hundred of Messent |
| Sections 439, 440 and 441 | Hundred of Mundoora |
| Section 245 | Hundred of Myponga |
| Sections 118, 387 and 388 | Hundred of Para Wirra |
| Sections 19, 21, 22, 30 and 31 | Hundred of Peebinga |
| Section 467 | Hundred of Port Adelaide |
| Sections 17, 18, 19, 20 and 169 | Hundred of Spence |
| Section 355 | Hundred of Waitpinga |
| Section 356 | Hundred of Waitpinga |
| Section 357 | Hundred of Waitpinga |
| Section 176 | Hundred of Winninowie |
| Section 471 | Hundred of Wongyarra |
| Sections 93 and 98 | Hundred of Woolumbool |

Penguin Island, situated South out of Hundreds being south-east of Cape Martin and approximately one mile south of Beachport.

THIRD SCHEDULE.

Section 33.

HUNDRED OF ADELAIDE



FOURTH SCHEDULE.

AMENDMENT OF THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914-1935.

Section 4 is amended by inserting therein after paragraph 1 thereof the following paragraph :—

- 1a. the establishment of national parks :