



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 43 of 1955

An Act to constitute and incorporate a body to be known as The National Trust of South Australia, to prescribe the powers of the said body, and to provide for the preservation and maintenance of places and of chattels of any description of national historical artistic or scientific interest or natural beauty, and for purposes incidental thereto.

[Assented to 8th December, 1955.]

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

- Short title.** 1. This Act may be cited as "The National Trust of South Australia Act, 1955".
- Interpretation.** 2. In this Act, unless the context otherwise requires or some other meaning is clearly intended—
- "The National Trust" means The National Trust of South Australia constituted and incorporated by this Act :
- "the Council" means the Council of the National Trust :
- "councillor" means member of the Council.
- Constitution of National Trust.** 3. (1) There shall be constituted a body to be called "The National Trust of South Australia".
- (2) The National Trust shall be a body corporate with perpetual succession and a common seal and may, in its corporate name, sue and be sued, purchase, hold and dispose of

land and any estate or interest therein and all other property both real and personal of whatsoever kind and wheresoever situate for the purposes of this Act, and may exercise all powers and functions whatsoever of an incorporated body subject at all times and in all things to the rules of the National Trust for the time being in force.

4. The National Trust shall consist of—

Membership of
National
Trust.

- (a) the persons and bodies corporate who are for the time being members of the National Trust in accordance with the rules of the National Trust ;
- (b) the persons, for the time being, holding office as nominated councillors of the National Trust.

5. (1) The National Trust is established for the purposes of promoting—

Objects of
Trust.

- (a) the preservation and maintenance for the benefit of the people of South Australia of lands and buildings of beauty or historic, scientific, artistic, or architectural interest and, as regards lands, the preservation (so far as practicable) of their natural aspect features and animal and plant life ;
- (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings ;
- (c) the preservation of furniture and pictures and chattels of national, historic, artistic, or scientific interest ;
- (d) the access to and enjoyment of such lands, buildings, and chattels by the public.

6. The affairs of the National Trust and the business and management thereof shall be administered, managed, and conducted by a council to be called "The Council of the National Trust", which shall be constituted in manner prescribed in the rules set out in the schedule to this Act, and shall have the powers and duties therein set forth.

The Council.

7. (1) No taxes, rates (except water rates) or other imposts shall be payable under any law of the State on or in respect of any real estate or leasehold property belonging to the National Trust.

Exemption
from rates
and taxes.

(2) Succession duty shall not be payable in respect of any property derived by, or accruing to the National Trust.

(3) An instrument or agreement by which any real or personal property is assured to or vested in the National Trust for purposes of this Act or agreed to be so assured or vested shall be exempt from stamp duty.

Power of
Council to
make
regulations.

8. (1) The Council may make regulations for all or any of the following purposes :—

- (a) for ensuring the safety and the preservation of and preventing damage to or destruction of any real or personal property vested in or under the control and management of the National Trust ;
- (b) for regulating traffic and for ensuring orderly conduct on the part of visitors on any property of the National Trust ;
- (c) for fixing the hours during which any property of the National Trust or any building or structure on any property shall be open to the public ;
- (d) for fixing the payment to be made for entrance to any property of the National Trust or any building or structure on any property and for providing for the exclusion or removal from any property of the National Trust or on any part thereof or building or structure thereon of persons who have not made the prescribed payment, or who behave in a disorderly manner ;
- (e) for preventing trespassing on any property of the National Trust ;
- (f) for preventing persons from injuring, destroying, taking, removing, or in any way interfering with animals, birds, trees, and plants on any property of the National Trust ;
- (g) prescribing any other matter which it is necessary or convenient to prescribe for the purpose of the administration and enforcement of this Act ;
- (h) declaring that any breach or non-observance of a regulation shall be an offence and prescribing fines recoverable summarily, but not exceeding twenty pounds for any such offence.

(2) All regulations made under this section shall be submitted to the Governor for confirmation before being published in the

Gazette or laid before Parliament and shall not be so published or laid before Parliament or have any effect unless confirmed by the Governor.

(3) Section 38 of the Acts Interpretation Act, 1915-1949, shall apply to regulations made under this section.

9. (1) The rules set forth in the schedule to this Act with such modifications thereof as shall hereafter be made under and pursuant to the powers in that behalf in such rules shall be the rules providing for and regulating the membership affairs business and management of the National Trust. ^{Rules.}

(2) Section 38 of the Acts Interpretation Act, 1915-1949, shall apply to any rules made by the Council repealing, amending or adding to the rules in the said schedule; but nothing in that section shall affect any right of the Trust to disallow any such rules at an annual general meeting.

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

R. A. GEORGE, Governor.

THE SCHEDULE.

RULES OF THE NATIONAL TRUST OF SOUTH AUSTRALIA.

Interpretation.

1. In these rules "the Act" means the National Trust of South Australia Act, 1955, including any amendments thereof and additions thereto.

Classes of members.

2. (1) The members of the National Trust shall be divided into (a) ordinary members ; (b) life members ; (c) sustaining members ; (d) corporate members ; and (e) local corresponding members.

(2) An ordinary member shall be a person who, in any year, subscribes to the funds of the National Trust one guinea or more or such other sum as the Council may, from time to time, specify in that behalf : Provided that where one member of a family is an ordinary member any other member or members of such family who reside at the same address as such subscribing member may become ordinary members on each subscribing to the funds of the National Trust the sum of ten shillings and sixpence per annum, or such other sum as the Council may, from time to time, specify in that behalf.

(3) A life member shall be a person who pays to the funds of the National Trust the sum of twenty guineas or such other sum as the Council may, from time to time, specify in that behalf.

(4) A sustaining member who shall be entitled to all the privileges of life membership of the National Trust shall be any person who gives to the National Trust any real estate or leasehold property which, or any part of which, in the opinion of the Council is proper to be preserved for the benefit of the nation or who shall give to the National Trust such sum of money (being not less than one hundred pounds) or other property, whether real or personal, as shall appear to the Council to entitle such person to be distinguished as a sustaining member.

(5) A corporate member shall be any corporation which pays to the funds of the National Trust the sum of one hundred guineas or such other sum as the Council may, from time to time specify. A corporate member shall be entitled to such membership for the period of thirty years and thereafter may again apply for membership, and during the continuance of its membership shall be entitled to nominate five persons in its employ for the privileges of ordinary subscribing members without further subscription.

(6) A local corresponding member shall be any person who without pecuniary contribution undertakes to further the objects of the National Trust in any city, town, district, or place in such manner as to the Council may seem meet.

(7) A person shall not be a member of the National Trust unless he has signified in writing to the Trust his desire to be one.

Subscription of ordinary members.

3. Every ordinary member shall be liable for the amount of his subscription and such subscription shall be payable on the first day of January in each year : Provided that any such member may, at any time previously to the thirty-first day of December in any year resign his membership and cease to be a member by sending his resignation in writing to the secretary of the National Trust, but subject to such resignation in writing every such member shall be liable for the amount of his subscription in respect of the ensuing year.

Liability of members.

4. No member of the National Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the National Trust beyond the amount of the annual subscription of such member or of any contribution agreed to be given and remaining unpaid.

5. The first general meeting of the National Trust shall be held within six months after the passing of the Act and shall be called by the sponsors of the Act and thereafter general meetings shall be held once at least every year at such time and place as the Council appoints and the general meetings shall be called and held in accordance with the rules set out hereunder.

First
general
meeting.

6. (1) The annual general meetings shall be called ordinary meetings, and all other general meetings shall be called extraordinary meetings.

General
meetings.

(2) The Council, at each ordinary meeting, shall lay before the meeting a report of the work done in the preceding year.

(3) The Council or the Executive Committee may whenever they think fit, and the Executive Committee (or in their default the Council) shall, upon a requisition made in writing and signed by any thirty or more members convene an extraordinary meeting.

(4) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left with the secretary of the National Trust.

(5) Upon the receipt of such requisition the Executive Committee (or in their default the Council) shall forthwith proceed to convene a general meeting, and if the Executive Committee or the Council do not convene the same within fourteen days from the date of the receipt of such requisition the requisitionists may themselves convene a meeting.

(6) A notice of every general meeting and of the agenda shall be given to the members at such time and in such form and manner as the Council may from time to time prescribe.

(7) Notice of any motion proposed to be made at a general meeting by any person not being a member of the Council shall be sent to the secretary of the National Trust twenty-one days before the general meeting. Such notice shall be signed by the proposer and two seconders being members of the National Trust and no motion made by any member other than a member of the Council shall be entertained by a general meeting unless notice thereof has been given as aforesaid.

(8) The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

(9) Twenty members shall form a quorum for a general meeting.

(10) If within an hour from the time appointed for a meeting convened upon the requisition of members a quorum be not present the meeting shall be dissolved. In any other case the meeting may transact such business as they think necessary, notwithstanding the absence of a quorum.

(11) At every general meeting all matters which come up for the decision of such meeting shall be decided by a majority of votes of the members personally present and voting by show of hands unless a poll be demanded as hereinafter mentioned.

(12) The President of the Council or, in his absence, a Chairman elected by the Executive Committee shall take the chair at a general meeting.

(13) If neither the President nor a Chairman elected by the Executive Committee be present the meeting shall elect a chairman. The chairman shall, in case the votes at any general meeting or in the case of a poll are equally divided have, as well as his own vote, a second or casting vote. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place unless, in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

(14) At a general meeting one-third of the members of the Executive Committee, or any twenty members of the National Trust, may demand a poll in respect of any resolution, and on such demand being made a poll of the National Trust shall be taken accordingly by voting papers in such manner as the chairman may direct, and the result of the poll shall be deemed to be the decision of the general meeting on the resolution.

(15) Every member shall have one vote only with the exception of the chairman's casting vote.

**Constitution of
The Council.**

7. (1) The affairs of the National Trust shall be administered by a council to be called "The Council of the National Trust", consisting of a president of the council and twenty-four members.

(2) The president and twelve members shall be elected from among the members at the first general meeting and thereafter four elected members shall retire and four members shall be elected from among the members at each annual general meeting of the National Trust. The four elected members to retire each year shall be determined by the Council who shall secure, as far as possible, that the elected members shall retire in rotation. The retiring members shall be eligible for re-election.

(3) Each of the bodies or persons hereinafter named may appoint one member to the Council of the National Trust as follows (that is to say):—

The Council of Royal Society of South Australia :

The Council of Royal Geographical Society of Australasia (S.A. Branch) Inc. :

The Council of the University of Adelaide :

The Committee of the Institute of Architects in South Australia :

The Committee of the Youth Hostels Association in South Australia :

The Committee of the Adelaide Bushwalkers :

The Committee of the Country Women's Association :

The Board of the South Australian Museum :

The Board of Governors of the National Gallery of South Australia :

The Trades and Labour Council in South Australia :

The Council of the Pioneers Association of South Australia :

The Council of the Royal Zoological Society :

Such appointed members shall hold office for such term as the bodies or persons appointing them shall respectively determine, provided however, that such term shall not exceed three years without re-appointment.

(4) Any annual general meeting of the National Trust may determine that a member or members of the council shall be appointed by or on behalf of some body or persons other than those hereinbefore mentioned, either in addition to or in substitution for any one or more of the bodies or persons so mentioned or by way of increase of the number of members appointed by or on behalf of any of the bodies or persons so mentioned, but so that the number of appointed members shall not exceed twelve.

(5) The Council shall be deemed fully constituted and all acts and proceedings of the Council shall be deemed valid in all respects if and so long as a President and twelve members shall have been elected to the Council as by this section provided.

**Vacancies on
the Council.**

8. If any elected member of the Council dies or resigns the Council may appoint in his place another member to be a member of the Council and any member appointed under this section shall continue a member of the Council

until the next annual general meeting after his appointment, and the acts of the Council shall not be deemed invalid by reason of the death or resignation of any member, or members, thereof.

9. (1) The entire business of the National Trust shall be arranged and managed by the Council who may exercise all such powers of the National Trust (including its power to borrow and give security) as are not exercisable only by the National Trust in general meeting, and no rule or bylaw made, or resolution passed by the National Trust in general meeting shall invalidate any prior act of the Council which would have been valid if such rule, bylaw or resolution had not been made or passed.

Powers of Council.

(2) The Council shall have power to make such bylaws as to the procedure of the Council (including the quorum required at its meetings) and for the conduct of the business and affairs of the National Trust and for the dispatch of business at meetings as the Council may deem necessary provided that such bylaws do not contravene any of the provisions of the Act.

10. The President shall be chairman of the Council and when present shall preside at its meetings. If the President is unable to attend at a meeting of the Council the Council shall elect from among those present a chairman to preside at such meetings.

Chairman of Council.

11. The Council may appoint such officers and servants as they may from time to time think desirable and (subject to any law, award, or determination fixing rates of pay) fix their salaries and wages and the conditions of service, including the provision of pension on retirement and determine their respective duties and the tenure of their offices. The Council may appoint from among its members such honorary officers of the National Trust, including an honorary secretary and honorary treasurer as it may, from time to time, think fit and may determine any such appointment from time to time.

Officers and servants.

12. The Council may also elect any number of vice-patrons, but the persons so elected shall not by reason of such election be members of the Council.

Vice-patrons.

13. (1) The Council shall appoint from their own number an executive committee of the President and six members and may add to any such committee for such length of time and with such powers of voting or otherwise as the Council may think fit any member of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust, and such committee shall exercise and enjoy all the powers conferred upon the Council by the Act except any power which the Council expressly withholds from the committee, but the Council may impose conditions and limitations as to the exercise of any of the powers enjoyed by the Committee.

Committees and sub-committees.

(2) The Council may also appoint from their own number any committee for any special purpose and may add to any such committee for such length of time and with such powers of voting or otherwise as the Council may think fit, any member of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust.

(3) The Executive Committee shall have power of appointing sub-committees for special purposes similar in all respects to the powers hereby conferred upon the Council of appointing committees for special purposes.

(4) The President shall be the chairman of the Executive Committee, and if the President shall be unable to attend at a meeting of the Executive Committee the Executive Committee shall elect from among those present a chairman to preside at such meeting. The Executive Committee may make

such bylaws as to its procedure as the Council is hereby empowered to make as to the procedure of the Council except that a quorum of the Executive Committee shall be five.

Vacancies and defects not to invalidate proceedings.

14. (1) No act or proceeding of the Council, the Executive Committee, or of any committee or sub-committee shall be questioned on account of there being, at the time of such act or proceeding any vacancy or vacancies in the Council Executive Committee or in any committee or sub-committee.

(2) No defect in the qualification or election of any person or persons acting as member or members of the Council the Executive Committee or of any committee or sub-committee shall be deemed to invalidate any proceedings of such council, executive committee, committee or sub-committee in which he or they has or have taken part in cases where the majority of members of parties to such proceedings are duly entitled to act.

Minutes.

15. (1) The Council, the Executive Committee, and every committee and sub-committee appointed as aforesaid shall cause minutes to be made of all proceedings at each of its meetings, and the Council shall, at all times, cause to be kept minutes of the meetings of the National Trust, and a register of the members of the National Trust with their respective last-known places of abode.

(2) Any minutes made of proceedings at a meeting of the National Trust, the Council, the Executive Committee, or of any committee or sub-committee respectively, if signed, either at the meeting at which such proceedings took place, or at the next ensuing meeting by any person purporting for the time being to be the President of the Council or the Chairman or Acting Chairman of the Executive Committee, committee or sub-committee, as the case may be, shall be receivable as evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved, every meeting of the Council, the Executive Committee, or of any committee or sub-committee shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Mode of executing instruments and notices.

16. (1) Any instrument which, if made by private persons, would be required to be under seal shall be under the seal of the National Trust.

(2) Any notice issued by or on behalf of the National Trust shall be deemed to be duly executed if signed by the President or the Secretary.

(3) Subject as aforesaid any appointment made by the National Trust and any contract, order, or other document made by or proceeding from the National Trust shall be deemed to be duly executed, either if sealed with the seal of the National Trust or signed by two or more members of the Council authorized to sign by a resolution of the Council or Executive Committee, but it shall not be necessary in any legal proceedings to prove that the members signing any such order or other document were authorized to sign and such authority shall be presumed until the contrary is proved.

Arrangements with local authorities and persons

17. (1) The National Trust may act in concert with and make any arrangements and agreements with any Local Government authority now or hereafter constituted or with any residents or committee of residents in the neighbourhood of any land or property of the National Trust, or with any other persons for giving effect to the objects of the Act.

(2) Where any person is willing to agree with the National Trust that any land, or any part thereof shall, so far as his interest in the land enables him to bind it be made subject either permanently or for a specified period to conditions restricting the planning, development, or use thereof, in any manner, the National Trust may, if it thinks fit, enter into an agreement with him or accept a covenant from him to that effect.

18. For the purpose of carrying out any work or undertaking which it is authorized by the Act to carry out the National Trust may borrow money and give security for repayment thereof by a mortgage, charge, or any other form of security over any property of the National Trust. All moneys received by the National Trust on capital account shall, subject to the conditions attached to any gift, be applicable in or towards the repayment of moneys borrowed, or otherwise, in furthering the objects for which the National Trust is established.

Power to borrow.

19. The National Trust may accept any gift (whether by will or *inter vivos*) of any property, whether real or personal, of whatsoever kind and wheresoever situate, and whether in possession, reversion or remainder.

Gifts.

20. (1) The National Trust may invest any money which has been received by it under, or for the purposes of the Act, and is not required to meet the current expenditure.

Investment, retention and sale.

(2) The National Trust may (subject to the provisions of any trust, instrument, or to the conditions attached to any gift under which it receives or is entitled to any property) hold and retain in the same state of investment so long as it thinks fit, any property of any kind as an investment for the purpose of providing income to be applied in defraying the expenditure of the National Trust under the Act.

(3) The National Trust may (subject to the provisions of any trust, instrument, or to the conditions attached to any gift under which it receives or is entitled to any property) sell any property belonging to it which is not required for purposes of the Act. The money received on any such sale shall be applied for purposes of the Act or invested. If the money is invested the income shall be applied for the said purpose.

21. (1) The National Trust shall keep proper accounts of all the income and expenditure of the National Trust and shall prepare a statement of such income and expenditure and a balance-sheet at least once a year.

Accounts and audit.

(2) The accounts of the National Trust shall be annually audited by a member of the Institute of Chartered Accountants in Australia.

(3) The Council, and every employee of the National Trust shall give to its auditor any information which he requires for the purpose of the audit and shall produce to him all books, accounts, vouchers, and documents which he requires for that purpose.

22. (1) The Council may repeal or amend any of these rules and may make and pass any new rules with a view to the more efficient management and conduct of the National Trust provided that no rules shall be repealed, amended, or made, except with the concurrence of two-thirds of the whole number of members of the Council.

Repeal and alteration of these rules.

(2) All new rules and the repeal and amendment of any rules shall be submitted to the annual general meeting of the National Trust held next after the making thereof and the National Trust at such annual general meeting may, by resolution, disallow any such rule or any such repeal or amendment.