

THE NATIONAL PLEASURE RESORTS ACT, 1914-1935.

BEING

THE NATIONAL PLEASURE RESORTS ACT, 1914, No. 1173 OF 1914
[ASSENTED TO 19TH NOVEMBER, 1914.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act to provide for the establishment and control
of national pleasure resorts, public parks, and
recreation grounds, and for other purposes.

[Assented to 19th November, 1914.]

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 National Pleasure Resorts Act, 1914-1935."

Short title.
Cf. U.K.
22 Vict. c. 27.

2. In this Act, unless some other meaning is clearly intended—

Interpreta-
tion.

"by-law" means by-law made by the Minister under this Act:

"justice" means justice of the peace for the State:

"lands vested in the Minister" means lands held by the Minister, for whatever estate or interest, under this Act:

"Minister" means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor:

"prescribed" means prescribed by this Act or by by-law:

"State" means the State of South Australia:

Administration: The administration of this Act has been committed to the Minister of Immigration by proclamation: *Gazette* 22nd May, 1924, p. 1141.

“the Director” means the person for the time being holding the office, by appointment of the Governor, of Director of the Intelligence and Tourist Bureau:

“the employees” means the persons, other than the officers as defined by this Act, employed by the Minister under this Act:

“the officers” means the superintendents, inspectors, and other officers appointed by the Minister under this Act:

“this Act” includes by-laws.

The Minister
to be a body
corporate for
the purposes
of the Act.

3. (1) For the purposes of this Act, the Minister shall be a body corporate, and shall have perpetual succession and a common seal.

(2) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall, in the absence of proof to the contrary, presume that the same was properly affixed thereto.

General
powers of
the Minister.

4. Subject to the provisions of this Act, the Minister in his corporate name may—

- i. purchase, take, receive, accept, hold, acquire by means of exchange or otherwise, and possess lands, tenements, and hereditaments in fee simple or for any less estate or interest, or for any term of years or otherwise, and goods and chattels; and, with the consent of the Governor, may sell, exchange, grant, convey, transfer, demise, assign, or otherwise dispose of and assure the same for any estate or interest therein;
- ii. sue and be sued, and submit to arbitration, in all courts and before all judges, magistrates, justices, and arbitrators whomsoever, in all actions, suits, causes, disputes, and matters whatsoever; and
- iii. do and exercise all such further acts and powers as he is by this Act authorised to do and exercise, or as may be necessary or convenient for carrying into effect any of the purposes or objects of this Act.

Crown lands
may be
granted for
the purposes
of the Act.

Amended by
S.L.R. Act,
1935.

5. In addition to the powers conferred by the Acts relating to Crown lands, the Governor is hereby empowered to grant, demise, or otherwise assure unto the Minister any lands belonging to the Crown for any estate or interest therein,

for the purpose of being used by the public as a pleasure resort, park, or recreation ground, subject, however, in every case, to such (if any) powers of resumption and other conditions and reservations as are expressed in the grant, demise, or other assurance thereof to the Minister.

6. With the consent of the Governor, the Minister may, pursuant to agreement, acquire any lands in any part of the State, either for an estate in fee simple or for any less estate, or for a term of years, or for any other interest, for the purpose of being used by the public as a pleasure resort, park, or recreation ground, or for any purpose incidental thereto.

Minister
may acquire
lands for
purposes of
Act.

7. The Minister may receive gifts of articles, and donations and subscriptions, to be applied in and towards the embellishment and improvement of any lands vested in him or otherwise for the purposes of this Act.

Minister
may accept
gifts.
528, 1891,
s. 13.
Of U.K.
22 Vict. c. 27,
s. 7.

8. All the lands vested in the Minister and all other property held by the Minister under this Act shall be under the care, control, and management of the Director: Provided that in all things pertaining to such care, control, and management, and in the exercise of all other powers by this Act conferred upon him, the Director shall be subject to, and shall act in accordance with, any directions of the Minister.

Lands to be
under the
care and
management
of the
Director.

9. (1) The Director shall, in the month of July in each year, furnish the Minister with a report of his proceedings under this Act, including an accurate statement of receipts and expenditure, during the period of twelve months ended on the next preceding thirtieth day of June.

Annual
report and
statement of
accounts.

(2) A copy of the Director's annual report shall be laid before Parliament within one month after it is received by the Minister if Parliament is sitting, and if not, then within one month after the opening of the next session of Parliament.

10. The Director may—

- i. set apart all or any portions of the lands vested in the Minister for the purposes of sports and games, for landscape gardening, for platforms along railway or tramway lines, for enclosures for birds or animals, and for any other purposes of public enjoyment or convenience which the Minister thinks fit;

Powers for
development
of lands.
528, 1891,
s. 5.

- ii. make on any portions of any such lands all such roads, ways, and paths as he thinks necessary or convenient;
- iii. erect on any such lands rest houses, pavilions, look-outs, platforms, stagings, kiosks, rotundas, lodges, summer-houses, fences, and all such other buildings and things as he considers necessary or convenient for the purposes of public pleasure, recreation, and enjoyment;
- iv. plant trees, shrubs, and flowers on any such lands:
- v. sell and remove from any such lands stone, gravel, earth, sand, trees, bark, and the produce of trees, and dead and live timber; and
- vi. sell and exchange specimens of trees, shrubs, flowers, animals, and birds growing or being on any such lands.

Officers
may be
appointed
and other
persons
employed.

11. (1) The Minister may appoint such superintendents, inspectors, and other officers, and employ such other persons, as he deems necessary for carrying out the objects of this Act.

(2) Subject as provided by section 8, all persons so appointed and employed shall act under the direction of the Director.

Payment
of salaries
and fees.

(3) The Minister may pay to the officers and employees such salaries, allowances, wages, and professional fees as he deems reasonable or proper.

Remunera-
tion for
information.

12. The Minister may remunerate any person giving information of the commission of any offence against this Act to the Director, or to any of the officers or employees.

Licences for
the sale
of liquors
not to be
granted,
528, 1891,
s. 9.

13. No licence for the sale of intoxicating liquors shall be granted under any Act to the Minister or the Director, or any other person or persons, in respect of premises situated in any of the lands vested in the Minister.

Offences.

14. Any person who, on any land vested in the Minister—

- (a) without the permission of the Director, or of one of the officers, discharges any firearm;
- (b) throws or discharges any stone or other missile, or rolls any rock or stone down any hill or other declivity;

- (c) removes the soil under or about any tree, shrub, fern, or other plant, or cuts, destroys, or removes any tree, shrub, plant, flower, fern, or other thing, without the consent of the Director, or of one of the officers;
- (d) lights any fire, or leaves any glass bottles, broken glass, china, paper, or other litter, except in places set apart therefor by the Director;
- (e) commits any nuisance;
- (f) fouls or pollutes the water in any river, creek, or other watercourse, or in any dam, well, spring, lake, or reservoir;
- (g) takes or destroys any fish in any such water;
- (h) has in his possession, or uses, spreads, or sets, any trap, snare, net, engine, instrument, or other means of taking, injuring, or destroying any bird or animal;
- (i) pursues, worries, ill-treats, takes, or kills any bird or animal, or wilfully disturbs, displaces, injures, destroys, removes, or takes any bird's nest or egg;
- (j) wilfully obstructs, disturbs, interrupts, insults, or otherwise annoys any of the officers or employees in the exercise of any of his powers or the discharge of any of his duties;
- (k) uses obscene language or behaves in a disorderly, offensive, or indecent manner;
- (l) wilfully breaks any fence or barrier or any part thereof, or enters any such lands, or any part thereof, by any other than an authorised entrance; or
- (m) refuses or neglects to quit any such land, or any part thereof, when required to do so by a member of the police force, or any of the officers or employees,

shall be guilty of an offence against this Act.

15. If the commission of, or the attempt to commit, any offence against this Act, or the breach or non-observance of, or the attempt to break or not to observe, any provision of this Act, is attended with danger, hindrance, or annoyance to the public, or to any person being lawfully on any of the lands

Offender
may be
required to
quit or be
ejected.
Cf. U.K.
35 & 36
Vict. c. 15,
s. 5.

vested in the Minister, any member of the police force, or any of the officers or employees, may summarily interfere to obviate or remove such danger, hindrance, or annoyance, and may eject the person responsible therefor, without prejudice however to any liability incurred by such commission, breach, or non-observance, or attempt.

Attempt to
commit
offence
punishable.

16. (1) Any person who attempts to commit any offence against this Act shall be deemed to have committed an offence against this Act, and shall be punishable accordingly.

Aiding or
abetting
offender
punishable.

(2) Any person who aids, abets, counsels, or procures, or by any act or omission is directly or indirectly a party to the commission of any offence against this Act shall be deemed to have committed such offence, and shall be punishable accordingly.

Penalties.

17. Every person who is guilty of an offence against this Act shall, except where otherwise prescribed, be liable—

(a) for a first offence, to a penalty of not less than one pound nor more than five pounds;

(b) for any subsequent offence, to a penalty of not less than two pounds nor more than twenty pounds.

Damages
may be
recovered
in addition
to penalties.

18. When any person is convicted of any offence against this Act the special magistrate or justices before whom such person is convicted may, in addition to imposing any penalty, order such person to pay the amount of any damage done by him, and such amount shall be recoverable as if it were part of the penalty so imposed, notwithstanding that the total amount of the penalty and damages exceeds the maximum penalty which may be imposed.

Evidence in
proceedings.

19. In any proceedings in respect of any alleged offence against this Act—

(a) if it is necessary to show knowledge on the part of the defendant, such knowledge shall be presumed until the contrary is proved:

(b) the allegation that any lands are lands vested in the Minister shall be deemed to be proved until the contrary is proved.

Evidence of
by-laws.

20. A copy of the *Government Gazette* purporting to contain a copy of any by-law, shall be conclusive evidence of the making of such by-law and of the contents thereof; and shall be *prima facie* evidence of the validity thereof.

21. (1) The Minister may make all such by-laws as may be necessary or convenient for carrying into effect all or any of the objects expressed in or implied by this Act, or as may be incidental to or in anywise connected with such objects; and, without limiting or derogating from the foregoing general power, it is hereby declared that the Minister may make by-laws—

By-laws may
be made.
528, 1891,
s. 7.

- (a) prescribing the duties and powers of the officers and employees;
- (b) for the care, control, management, and preservation of the lands vested in him, or any of them, and all things therein;
- (c) for regulating traffic, and the carriage of passengers in such lands, or any of them, for ensuring the good conduct of visitors thereto, and for fixing the hours during which such lands, or any of them, shall be open to the public;
- (d) for depasturing cattle thereon and impounding stray cattle found thereon;
- (e) for the exclusion of goats, pigs, dogs, and poultry therefrom, and for their destruction if trespassing thereon;
- (f) for the protection, preservation, and propagation of native and imported birds and animals and plants therein;
- (g) for regulating, restricting, or preventing the exhibiting of advertisements in such places, or in such manner, or by such means, as to affect injuriously the amenities of such lands, or any of them, or to disfigure the natural beauty of a landscape;
- (h) for regulating, restricting, or preventing the writing, soiling, defacing, stencilling, chalking, or painting upon any fence, post, rail, pole, seat, bridge, tree, tree-stump, shrub, bush, rock, rock-face, or other object, on such lands or any of them;
- (i) for preventing the fixing of any advertisement of any kind whatsoever, or any writing, chalking, soiling, defacing, stencilling, or painting upon such lands, or any of them, or on any road, footpath, footway, carriage-way, fence, post, rail, pole, seat, bridge, tree, tree-stump, shrub, bush, rock, or rock-face,

Cf. U.K.
7 Edw. 7
c. 27

or any building or other structure therein or thereon;

- (j) for regulating the sale, or the offering or exposing for sale, of goods on such lands, or any of them; and the erection of booths, tents, and other structures for such purpose;
- (k) for regulating the lighting of fires on such lands, or any of them, or adjacent thereto;
- (l) generally for the more regular and efficient government of such lands, or any of them; and
- (m) fixing penalties for offences against by-laws, not exceeding for any offence the sum of twenty pounds.

Confirmation
by the
Governor.

(2) No by-law shall have any effect until confirmed by the Governor.

Publication
and effect
of by-laws.

(3) All by-laws, when so confirmed—

- (a) shall be published in the *Government Gazette*;
- (b) from the date of such publication, or from a later date fixed by the Governor, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act; and
- (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(4) If either House of Parliament passes a resolution disallowing any by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

Resolution
to be
notified in
Gazette.

(5) When a resolution has been passed as mentioned in subsection (4) hereof, notice of such resolution shall be published in the *Government Gazette*.

Who to
bring and
defend actions
as to lands
vested in the
Minister.

22. (1) Any action or other legal proceeding in respect of any of the lands vested in the Minister, or any other property vested in him under this Act, shall be brought, or may be defended, by the Minister, or by any person appointed by him for the purpose by writing signed by him: Provided that

an information for an offence against this Act may be laid and prosecuted by any person.

(2) The production of a document purporting to be signed by the Minister and to appoint any person as aforesaid shall be sufficient evidence that the person therein mentioned has been duly appointed by the Minister for the purpose therein mentioned, and shall be *prima facie* evidence that the person producing such document is the person thereby appointed.

23. Proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings.

Amended by S.L.R. Act, 1935.

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Ss. 24, 25 repealed by S.L.R. Act, 1935.

26. Any moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

How funds to be provided.

By-laws.

The following by-laws were in force under this Act on 24th May, 1937:—

GENERAL BY-LAWS APPLICABLE TO NATIONAL PLEASURE RESORTS—

Gazette—29th October, 1925, p. 1165.