

## THE NATIONAL PARK ACT, 1891-1935.

BEING

THE NATIONAL PARK ACT, 1891, No. 528 OF 1891 [ASSENTED TO  
19TH DECEMBER, 1891.]

AS AMENDED BY

NATIONAL PARK ACT AMENDMENT ACT, No. 2121 OF 1933  
[ASSENTED TO 2ND NOVEMBER, 1933.]

AND

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

### An Act to establish a Public Park to be called "The National Park."

WHEREAS it is expedient to establish a national recreation and pleasure ground as a place for the amusement, recreation, and convenience of the inhabitants of the Province of South Australia: Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as "The National Park Act, 1891-1935."

Short title.

2. (1) For the purposes of carrying into effect the provisions of this Act, there is hereby constituted a corporation to be called "The Commissioners of The National Park," consisting of five persons to be appointed by the Governor, and the following persons:—

Commis-  
sioners of  
National  
Park.

The Commissioner of Crown Lands;  
The Mayor of the City of Adelaide;  
The President of the Royal Society of South Australia;  
The President of the Royal Agricultural and Horticultural Society of South Australia;  
The Director of the South Australian Zoological and Acclimatization Society (Incorporated);  
The Director of the Botanic Gardens; and

The Conservator of Forests;

and the Commissioners of the National Park shall be a corporate body and have perpetual succession.

The said commissioners shall have a common seal, which shall have inscribed thereon the words "The Commissioners of the National Park."

Subsection  
(2) inserted  
by 2121,  
1933, s. 3.

(2) The President of the Royal Society of South Australia or the President of the Royal Agricultural and Horticultural Society of South Australia may, instead of acting personally, nominate any other person to act as a commissioner of the National Park, and the person so nominated shall be a commissioner until the expiration of the term of the office of President nominating him.

Retirement  
and appoint-  
ment of  
Commis-  
sioners.

3. On the first day of December, one thousand eight hundred and ninety-two, and on every subsequent first day of December in each succeeding year, two members of the Commissioners of the National Park, hereinafter called "the commissioners," not being *ex officio* members, who shall have been present the least number of times at the meetings of such commissioners, shall retire from office, but shall be eligible for re-appointment; and, in case of an equality between two or more commissioners in respect of the number of attendances of such members at the meetings of the said commissioners, then the retiring member shall be determined by lot; and, on the annual retirement of the said two members, or in case of the death, resignation, disqualification, or incapacity of any member or members, the successors or successor of such retiring members, or of such members dying, resigning, or becoming disqualified or incapable, shall be appointed by the Governor.

Dedication  
and vesting  
Park in Com-  
missioners.

4. All that portion of Crown lands situate in the hundred of Adelaide, now known as the Government Farm and Forest Reserve, consisting of about two thousand acres, except so much of the said Crown lands, not exceeding ten acres, as are now used or may be set apart at any time by the Governor by proclamation for a Government nursery, commencing at the south-west corner of section 971, hundred of Adelaide; thence north-north-easterly along the western boundaries of sections 971, 958, 955, and 954, to the southern side of the road south of section 943; thence west-north-westerly along the said side of road to the east boundary of section 1037; thence south-south-westerly and west-north-westerly along the south-eastern and south-western boundaries of said section to the eastern boundary of the Government Quarry Reserve; thence southerly, westerly, and northerly, following the

eastern, southern, and western boundaries of the said reserve, to the southern side of the road south of section 940; thence generally in a west-north-westerly direction along the said side of road, its deviation south of Sheoak Hill, and the southern side of the road south of sections 941, 1097, and 1095 to the eastern side of the road east of section 1072; thence southerly along the eastern side of the road east of sections 1072, 882, 879, and 875, to the north-eastern side of the road north-east of section 1279; thence south-easterly along the said side of road to the northern side of the road north of section 873; thence generally in an easterly and south-easterly direction along the northern and north-eastern sides of the said road and its deviations north and north-east of sections 873, 1123, 1154, 1170, 355, 356, and 357, to the south-west corner of section 971, the point of commencement, exclusive of all land taken and now used for the Adelaide and Nairne Railway, and now vested in the Commissioners of Railways, shall be and the same is hereby dedicated and vested in the commissioners, to be held by them in fee simple upon trust for the sole purpose of a public national recreation and pleasure ground, to be called "The National Park"; and the Governor is hereby empowered to issue a grant of the said lands to the said commissioners.

5. The commissioners shall have the control of the National Park, hereinafter called "the said park," and may set apart such portions as they shall think fit for the conservation of water, for the purposes of sports and games, for landscape gardening, for temporary platforms along the railway line, for enclosures for birds or animals, and any other purpose for public enjoyment they may think fit, and may make all necessary roads, ways, and paths, and erect pavilions, rotundas, lodges, summer-houses, fences, and all buildings they may consider necessary for the purposes of the said park, and may plant trees, shrubs, and flowers, and sell and remove stone and bark, dead and serviceable timber, and also sell and exchange specimens of plants and animals.

Powers of  
the Com-  
missioners.

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Proviso  
struck out  
by 2121,  
1933, s. 4.

6. All powers and authorities vested in the commissioners may be exercised by any four of them present at any meeting, duly convened and held in manner provided by any by-law for the time being in force relating to the conduct of the business of the commissioners.

Quorum  
of Com-  
missioners.

Amended by  
2121, 1933,  
s. 5.

7. The commissioners, with the approval of the Governor, may make by-laws for the conduct of their own business; for

By-laws may  
be made.

the safety and preservation of the said park, and the property therein; for regulating the traffic; for insuring the good conduct of visitors; for fixing the hours during which the park shall be open to the public upon every day in the week; for grazing cattle and impounding stray cattle; for the destruction of goats, pigs, dogs, and poultry trespassing therein; for protection of native and imported birds and animals; and otherwise for the more regular and efficient government of the said park; and to fix penalties for any breach of any by-law by this Act authorised to be made, not exceeding for any offence the sum of five pounds.

All such by-laws, when so approved as aforesaid, shall be published in the *Government Gazette* and laid before Parliament.

By-laws to  
be exhibited.

8. Copies of the by-laws inflicting any penalty shall be exhibited at the principal entrance gates of the said park, and at any other part of the park that the commissioners may think desirable.

Power of  
Commis-  
sioners to  
levy tolls.

Inserted by  
2121, 1933,  
s. 7.

8a. (1) The commissioners may levy a toll upon the entry into the National Park of any mechanically propelled vehicle, or any vehicle propelled by animal power and having seating capacity for more than eight persons, and may take all steps necessary to exclude or remove from the park any such vehicle in respect of which the proper toll has not been paid.

(2) The amount of any toll levied under this section shall be prescribed by by-laws made by the commissioners in accordance with section 7 of this Act.

Licences for  
sale of  
liquors not to  
be granted.

9. No licence for the sale of intoxicating liquors shall be granted, either to the commissioners of the National Park or to any other persons, for premises situated in the said National Park.

Annual report  
and audit.

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

10. The commissioners shall keep a full and correct account of all moneys received and expended by them, and shall, on or before the thirtieth day of June in each year, report their proceedings during the preceding twelve months to the Governor; and a copy of such report shall be laid each year before Parliament. The accounts of the commissioners shall be annually audited by the Auditor-General, who may exercise in that behalf the powers conferred upon him by the Audit Act, 1921, and an abstract of such accounts shall be annually laid upon the table of the Legislative Council and the House of Assembly of the State.

11. All proceedings at any meeting of the commissioners, with the names of the commissioners present at every such meeting, shall be entered in a book to be kept by the commissioners for that purpose, and shall be signed by the chairman of the meeting, and all entries of such proceedings so signed by the chairman of such meeting shall be received in all courts as evidence of the matters therein recorded, until the contrary is proved.

Minutes of proceedings to be kept.

12. All moneys received by the commissioners shall be paid into some bank, to be approved by the Treasurer of the State, to the credit of The Commissioners of the National Park; and all moneys upwards of one pound disbursed by the commissioners shall be paid by cheque signed by at least two of the commissioners.

Money to be paid into bank.

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

13. It shall be lawful for the commissioners from time to time to receive from any person any gift of articles, donations, or subscriptions, to be applied by them in and towards the purposes of the said park.

Commissioners may accept gifts.

14. No rates, taxes, or assessments of any kind shall be made, calculated, or charged upon the land comprised in the said park vested in the commissioners or on any building therein.

Commissioners not to pay rates or taxes.

15. The commissioners may appoint such park-keepers and servants as they may think fit, and may remove or dismiss any park-keeper or servant.

May appoint park keepers and servants.

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Proviso struck out by 2121, 1933, s. 6.

15a. For the purpose of carrying out any work or undertaking which they are authorised by this Act to carry out the commissioners may borrow money on such terms and conditions as to them seem proper: Provided that the commissioners shall not have any power to create any mortgage or other charge upon the National Park.

Power of Commissioners to borrow money.

Inserted by 2121, 1933, s. 8.

15b. All moneys received by the commissioners (including any amounts voted by Parliament for purposes of the National Park) shall be applied by the commissioners at their discretion in payment of the expenses incurred by them in carrying out their duties and functions under this Act.

Power of Commissioners to expend moneys received.

Inserted by 2121, 1933, s. 8.

16. Any person who shall commit any offence against any by-law shall, in addition to any fine, be liable to pay the amount of any damage done by such person.

Offences against by-laws. Penalty.

By-laws made  
evidence.

17. The *Government Gazette* purporting to contain a copy of the by-laws made by the commissioners, and approved by the Governor, shall be received in evidence, and judicially noticed in all courts of the State.

Summary  
procedure.

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

18. Proceedings for the recovery of any penalty imposed by this Act shall be heard and determined summarily.

S. 19  
repealed by  
S.L.R. Act,  
1935.

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### By-laws.

The following by-laws of The Commissioners of The National Park were in force under this Act on the 24th day of May, 1937:—

#### GENERAL BY-LAWS—

*Gazette*—17th November, 1892 p. 1298.

#### BY-LAW AS TO PLYING FOR HIRE—

*Gazette*—15th March, 1906, p. 443.