



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1891.

No. 528.

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

[Assented to, December 19th, 1891.]

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."

Short title.

2. 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:—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."

Commissioners of National Park.

Incorporated.

3. On

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Retirement and
appointment of
Commissioners.

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
Commissioners.

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 Sheaoak 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

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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: Provided that no expense shall be incurred by the Commissioners in respect of the foregoing matters, except out of moneys voted by Parliament for that purpose.

Powers of the Commissioners.

6. All powers and authorities vested in the Commissioners may be exercised by any five 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 Commissioners.

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

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.

By-laws to be exhibited.

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.

Licences for sale of liquors not to be granted.

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 its 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 Commissioners of Audit, who may exercise in that behalf the powers conferred upon them by "The Audit Act, 1882," and an abstract of such accounts shall be annually laid upon the table of the Legislative Council and the House of Assembly of the said province.

Annual report and audit.

11. All

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Minutes of proceedings to be kept.

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.

Money to be paid into bank.

12. All moneys received by the Commissioners shall be paid into some Bank, to be approved by the Treasurer of the province, 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.

Commissioners may accept gifts.

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 not to pay rates or taxes.

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.

May appoint park-keepers and servants.

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: Provided that the salaries or rewards of such persons shall be those annually voted by Parliament.

Offences against by-laws.

Penalty.

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.

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 province.

Summary procedure.

18. All proceedings for the recovery of any penalty by this Act imposed shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of Act No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided.

Appeal to Local Court, Full Jurisdiction.

19. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to

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to the Local Court of Full Jurisdiction of Adelaide, and the proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Act, No. 6 of 1850, or any Act for the time being in force regulating such appeals; and the Local Court hearing such appeal may make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

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

KINTORE, Governor.