



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 35 of 1978

An Act to amend the National Parks and Wildlife Act, 1972-1974.

[Assented to 6th April, 1978]

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

Short titles.

1. (1) This Act may be cited as the "National Parks and Wildlife Act Amendment Act, 1978".

(2) The National Parks and Wildlife Act, 1972-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "National Parks and Wildlife Act, 1972-1978".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 4—
Arrangement
of Act.

3. Section 4 of the principal Act is amended by inserting after the passage—

Division VII—Sanctuaries

the passage—

PART IIIA—DEVELOPMENT TRUSTS.

Amendment of
principal Act,
s. 35—
Control and
administration
of reserves.

4. Section 35 of the principal Act is amended by striking out from subsection (1) the word "The" being the first word in that subsection and inserting in lieu thereof the passage "Subject to Part IIIA of this Act, the".

Amendment of
principal Act,
s. 36—
Management of
reserves.

5. Section 36 of the principal Act is amended by inserting in subsection (1) after the passage "of this section" the passage ", and to Part IIIA of this Act,".

6. The following Part, heading and sections are enacted and inserted in the principal Act after section 45 thereof:—

Enactment of heading and Part IIIA of principal Act—

PART IIIA

DEVELOPMENT TRUSTS

45a. In this Part—

Definitions.

“reserve” includes part of a reserve, or any two or more reserves:

“Trust” means a development trust established under section 45b of this Act.

45b. (1) The Governor may in respect of a reserve, by proclamation, establish a Development Trust.

Development Trusts.

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

- (a) designate the reserve in relation to which the Development Trust is to be created;
- (b) designate the Trust by a distinctive name;
- (c) fix the number of members of the Trust and the method by which they are appointed or elected;
- (d) fix the quorum for meetings of the Trust;
- (e) fix the terms and conditions upon which members of the Trust shall hold office;
- (f) provide for the removal of members of the Trust from office and for the filling of vacant offices.

(3) The Governor may, by further proclamation, vary any proclamation made under subsection (1) of this section.

45c. (1) A Trust shall be a body corporate with perpetual succession and a common seal, and—

Trust to be body corporate.

- (a) shall be capable of suing and being sued;
- (b) shall be capable of holding, acquiring, dealing with and disposing of real and personal property;
- (c) shall be capable of acquiring or incurring any other rights and liabilities;
- (d) shall have the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act or any other Act;

and

- (e) shall hold its property on behalf of the Crown.

(2) Where an apparently genuine document purports to bear the common seal of a Trust, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of that Trust has been duly affixed to that document.

45d. (1) Upon the establishment of a Trust under this Act the members of the Trust shall be appointed or elected, as the case may require, in accordance with the proclamation.

Appointment of members to Trust.

(2) A member of a Trust shall be entitled to the payment of such remuneration, allowances and expenses as the Governor may respectively determine, and any such payments shall be made out of the funds of the Trust.

(3) Any act or proceeding of a Trust shall not be invalid by reason of a vacancy in its membership or any defect in the appointment or election of a member.

(4) No liability shall attach to a member of a Trust for any act or omission by him, or by the Trust, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties, under this Act.

(5) A member of a Trust who is an officer or employee of the Trust shall not by reason of that fact be deemed to have a financial or material interest in any matter or thing relating to the terms and conditions of employment including rates of remuneration of officers or employees of the Trust.

Chairman and
meetings of
a Trust.

45e. (1) The members of a Trust shall elect one of their number to be chairman of the Trust for such period of time as the Trust may determine.

(2) The chairman shall preside at all meetings of the Trust at which he is present.

(3) In the absence of the chairman, the members present at a meeting shall elect one of their number to preside at that meeting.

(4) A decision carried by a majority of the votes cast by the members present at a meeting shall be a decision of the Trust.

(5) The person presiding at a meeting of a Trust shall, in the event of an equality of votes, have a casting vote in addition to a deliberative vote.

(6) Subject to this Act, a Trust may conduct its business in such manner as it thinks fit.

Functions of
Trust.

45f. (1) The functions of a Trust are, subject to this Act, to perform such duties in relation to the development of the reserve in relation to which it was established as are from time to time assigned to it by the Minister by notice in writing.

(2) A Trust shall have and may exercise all such powers as are necessary for or incidental to the performance of its functions.

(3) In the exercise of its powers and the performance of its functions a Trust shall, except where it is required to make a report to the Minister, be subject to the general control and direction of the Minister.

Trust may
delegate.

45g. (1) A Trust may delegate any of its powers, functions or duties to any committee appointed by the Trust, or to any member of the Trust or officer or employee of the Trust.

(2) A delegation of powers, functions or duties by a Trust does not derogate from the power of the Trust to act itself in any matter and is revocable by the Trust at will.

45h. (1) A Trust may appoint, upon terms and conditions approved by the Minister, such officers and employees as it thinks necessary or desirable for the proper carrying out of the functions and duties of the Trust. Staff of Trust.

(2) A Trust is a public authority within the meaning of the Superannuation Act, 1974-1976, and—

(a) any person who was, immediately before becoming an officer or employee of a Trust, a contributor to the South Australian Superannuation Fund shall, subject to that Act, remain a contributor to that Fund;

and

(b) any other full-time officer or employee of a Trust may, subject to that Act, become a contributor to that Fund.

(3) Where a person becomes an officer or employee of a Trust, his existing and accruing rights in respect of recreation leave, sick leave and long service leave shall, where his employment by the trust follows immediately upon—

(a) employment in the Public Service of the State;

(b) employment by another Trust;

or

(c) any other prescribed employment,

continue in full force and effect as if that previous employment were employment with the Trust.

45i. A Trust may with the approval of the Minister and subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land for the purposes of a reserve or to enlarge or extend an existing reserve. Acquisition of land.

45j. (1) A Trust may, with the approval of the Treasurer, borrow money for the purpose of enabling it to perform and discharge its functions and duties under this or any other Act. Financial provisions.

(2) The Treasurer may, at his discretion, guarantee the discharge by a Trust of any liability incurred by it in respect of any loan under subsection (1) of this section.

(3) The Treasurer may, without any authority other than this section, pay out of the General Revenue of the State any moneys required for the purpose of discharging obligations arising by virtue of a guarantee given under this section.

(4) A Trust may, with the approval of the Treasurer, invest any of the moneys of the Trust that are not for the time being required for the purposes of the Trust, in such investments as may be approved by the Treasurer.

45k. (1) A Trust shall cause proper accounts to be kept of its financial affairs. Accounts and audit.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of a Trust.

(3) For the purpose of the audit, the Auditor-General shall have and may exercise, in relation to the accounts, officers and employees of a Trust, the same powers as are vested in him by virtue of the Audit Act, 1921-1975, in relation to public accounts and accounting officers.

**Dissolution of
a Trust.**

45I. (1) The Governor may, by proclamation dissolve a Trust.

(2) Upon the dissolution of a Trust pursuant to subsection (1) of this section, the assets of the Trust shall be disposed of and the liabilities of the Trust shall be discharged in accordance with the directions of the Governor.

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

K. SEAMAN, Governor