



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 111 of 1981

An Act to establish the Parks Community Centre; and to deal with other related matters.

[Assented to 23 December 1981]

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 "Parks Community Centre Act, 1981". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.
3. In this Act, unless the contrary intention appears: Interpretation.
 - "the board" means the board of management appointed under section 5:
 - "the Centre" means the Parks Community Centre established under this Act:
 - "the chairman" includes the deputy of the chairman:
 - "the Enfield Council" means the Corporation of the City of Enfield:
 - "Government authority" means a Department, instrumentality or agency of the Government:
 - "member of the staff" in relation to the Centre means—
 - (a) an officer or employee of the Centre;
 - or
 - (b) a person—
 - (i) who is an officer or employee of a Government authority, or local government authority, that provides facilities, amenities or services at the Centre;
 - and
 - (ii) who works at the Centre,

but does not include a person who is employed on a casual basis, or whose work is unremunerated:

- "registered user" in relation to the Centre means a person whose name appears on the register maintained pursuant to this Act.

Establishment
of the Centre.

4. (1) There shall be a community centre entitled the "Parks Community Centre".

(2) The Centre shall—

- (a) be a body corporate with perpetual succession and a common seal;
 - (b) be capable of suing and being sued;
 - (c) be capable of holding, acquiring, dealing with and disposing of real and personal property;
 - (d) be capable of acquiring or incurring any other rights and liabilities;
 - (e) have the powers, rights, functions and duties conferred or imposed by this Act;
- and
- (f) hold its property on behalf of the Crown.

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

The board.

5. (1) The Centre shall be administered by a board of management.

(2) The board shall consist of twelve members, as follows:

(a) eight members shall be appointed by the Governor, of whom—

- (i) four shall be persons nominated by the Minister;
 - (ii) one shall be a person nominated by the Minister of Education;
 - (iii) one shall be a person nominated by the Minister of Community Welfare;
 - (iv) one shall be a person nominated by the Minister of Health;
- and
- (v) one shall be a person nominated by the Enfield Council;

(b) three members shall be appointed or elected in accordance with subsection (3);

and

(c) one member shall be appointed or elected in accordance with subsection (5).

(3) For the purposes of subsection (2) (b), the Governor shall appoint three persons nominated by the Minister to be members of the board, and where a vacancy occurs in the office of any such member, the successor to that office, and all subsequent successors, shall, subject to this Act, be elected by the registered users of the Centre.

(4) A person is not eligible for election under subsection (3) unless he is a registered user of the Centre.

(5) For the purposes of subsection (2) (c), the Governor shall appoint a person nominated by the Minister after consultation with the staff of the Centre to be a member of the board, and where a vacancy occurs in the office of that member, the successor to that office, and all subsequent successors, shall be elected by the staff of the Centre in the prescribed manner.

(6) A person is not eligible for appointment or election under subsection (5) unless he is a member of the staff of the Centre.

(7) The Governor shall appoint one of the persons nominated by the Minister under subsection (2) (a) (i) to be the chairman of the board.

6. (1) The board shall establish and maintain a register of the persons who use the Centre and are eligible to be placed on the register.

Election of
board
members by
registered
users of
the Centre.

(2) A person uses the Centre if—

(a) he uses any facility or amenity provided at the Centre;

or

(b) he avails himself of any service provided at the Centre.

(3) A person who uses the Centre is eligible to be placed on the register if—

(a) he is entitled to vote at elections for the House of Assembly;

and

(b) he enters his name on the register, or causes it to be so entered.

(4) A member of the staff of the Centre is not eligible to be placed on the register.

(5) The board shall cause the register to be revised from time to time, and upon any such revision, may remove from the register the name of any person—

(a) who has requested that his name be so removed;

(b) who has died, or resides in a place outside this State;

(c) whose name does not appear on a House of Assembly electoral roll;

(d) who no longer appears to reside at the address last known to the board;

(e) who has become a member of the staff of the Centre;

or

(f) who the board believes has not used the Centre for a period of at least three years.

(6) The Governor—

(a) may, by proclamation, declare that, upon a day specified in the proclamation, the register of users will be closed for the purposes of an election that is to be held under this section;

or

(b) may, by further proclamation, vary or revoke a proclamation under paragraph (a).

(7) The Electoral Commissioner shall conduct the election of board members by the registered users of the Centre.

(8) Subject to subsections (9) and (10), any such election shall be by ballot of the persons whose names appear on the register immediately prior to the closure of the register by the Governor for the purposes of that election.

(9) Where the number of candidates for election under this section is equal to or less than the number of vacant positions to be filled, the Electoral Commissioner shall, without conducting a ballot, declare those candidates duly elected to the board.

(10) Where there are no candidates or less than the required number of candidates for an election under this section, the Governor may appoint such number of persons to be members of the board as may be necessary to fill the vacant positions, and a person so appointed shall be deemed to have been duly elected to the board.

(11) A ballot under this section shall be conducted upon the basis of a system of preferential voting to be determined by the Electoral Commissioner.

(12) Subject to this section, an election of board members by the registered users of the Centre shall be conducted in accordance with the directions of the Electoral Commissioner.

Terms of
office of
board
members.

7. (1) An appointed member of the board shall be appointed—

(a) in the case of a member appointed under section 5 (3) or 5 (5), for such term of office, not exceeding one year, as the Governor specifies in the instrument of appointment;

or

(b) in the case of any other appointed member, for such term of office, not exceeding three years, as the Governor specifies in the instrument of appointment;

and

(c) upon such conditions as the Governor may determine.

(2) A member elected by the registered users of the Centre shall be elected for a term of office determined in accordance with the regulations.

(3) The member elected by the staff of the Centre shall be elected for a term of office of one year.

(4) Upon the expiration of the term of office of a member of the board, he shall, subject to this Act, be eligible for re-appointment or re-election, as the case may require.

Deputies.

8. (1) The Governor may appoint a suitable person to be a deputy of an appointed member of the board.

(2) The staff of the Centre may elect, in the prescribed manner, a member of the staff to be the deputy of the member of the board elected to office by the staff of the Centre.

(3) If a member of the board is absent from the duties of his office, his deputy may act as a member of the board and, while so acting, shall have all the powers, functions and duties conferred or imposed upon the member of whom he is the deputy.

Allowances
and expenses.

9. A member of the board is entitled to receive such allowances and expenses as the Governor may from time to time determine.

Removal from
and vacancies
of office.

10. (1) The Governor may remove a member of the board from office on the grounds of—

(a) in the case of an appointed member, any breach of, or non-compliance with, a condition of his appointment;

(b) mental or physical incapacity to carry out satisfactorily the duties of his office;

(c) dishonourable conduct;

or

(d) neglect of duty.

(2) The office of a member of the board becomes vacant if—

(a) he dies;

(b) his term of office expires;

(c) in the case of the member elected by the staff of the Centre, he ceases to be a member of the staff of the Centre;

(d) he resigns by notice in writing given to the Centre;

or

(e) he is removed from office by the Governor pursuant to subsection (1).

(3) Subject to subsection (4), upon the office of a member of the board becoming vacant, a person shall be appointed or elected, as the case may require, to that office in accordance with this Act.

(4) Where the office of a member of the board who was elected by the registered users of the Centre becomes vacant less than three months before the expiration of his term of office, the Governor shall appoint a registered user nominated by the Minister to that vacant office, and a person so appointed shall be deemed to have been duly elected to the board.

(5) Where the office of a member of the board becomes vacant before the expiration of the term of office for which he was appointed or elected, the person appointed or elected in his place shall be so appointed or elected only for the balance of that term.

11. (1) An act or proceeding of the board shall not be invalid by reason of a vacancy in its membership or any defect in the appointment or election of a person to the board.

Validity of acts of the board and immunity of members from liability.

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

12. (1) The chairman of the board shall preside at all meetings of the board at which he is present.

Meetings of the board.

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

(3) Seven members of the board shall constitute a quorum of the board, and no business shall be transacted at any meeting unless a quorum is present.

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

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

(6) The board shall cause accurate minutes to be kept of its meetings.

(7) Subject to this Act, the board may conduct its business in such manner as it thinks fit.

13. (1) The board may, by instrument in writing, delegate any of its powers, functions or duties to any committee appointed by the board, or to any member of the board or member of the staff of the Centre.

Board may delegate.

(2) A delegation under this section is revocable at will, and does not prevent the board from exercising or discharging any power, function or duty so delegated.

Disclosure of
interests by
board members.

14. (1) A member of the board who is in any way directly or indirectly interested in a contract made by the Centre, or a proposed contract in the contemplation of the Centre—

(a) shall, as soon as he becomes aware of his interest, disclose the nature and extent of his interest to the board;

and

(b) shall not take part in any deliberations or decision of the board with respect to the contract.

Penalty: Five hundred dollars.

(2) A disclosure made under subsection (1) (a) shall be recorded in the minutes of the board.

(3) Subsection (1) does not apply in relation to an interest that exists only by virtue of the fact that the member of the board is an employee of the Centre.

Functions and
powers of the
Centre.

15. (1) The functions of the Centre are—

(a) to manage and maintain the premises and property of the Centre;

(b) to make the premises of the Centre available for the provision of a wide range of facilities, amenities and services for the benefit of the community served by the Centre;

(c) to itself provide such facilities, amenities or services as it may think desirable;

(d) to promote and encourage the use of all the facilities, amenities and services of the Centre;

(e) to encourage and foster, wherever practicable, direct participation by members of the public in the provision of the facilities, amenities and services of the Centre;

(f) to conduct, or assist in conducting, investigations into the recreational, cultural, social and welfare needs of the community served by the Centre, and to work towards the fulfilment of those needs;

(g) to perform any other functions prescribed by this Act or assigned to the Centre by the Minister;

and

(h) to perform such other functions as may be necessary or incidental to the foregoing.

(2) The Centre shall not interfere with the operation of a facility, amenity or service provided on or from the premises of the Centre by any Government or local government authority, or by any person other than the Centre itself.

(3) The Centre may, with the approval of the Minister, apply for and hold any licence or permit under the Licensing Act, 1967-1980.

(4) The Centre may fix fees or charges for the use of any facility, amenity or service provided by the Centre itself, or for the leasing or hiring out of any part of the premises of the Centre.

16. The Centre is subject to the control and direction of the Minister.

The Centre is subject to the control of the Minister.

17. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1981, appoint officers to assist the Centre in the performance of its functions and discharge of its duties under this Act.

Staff of the Centre.

(2) An officer so appointed shall hold office in accordance with the Public Service Act, 1967-1981.

(3) The Centre may appoint, upon terms and conditions fixed by the Centre with the approval of the Public Service Board and the Minister, such officers and employees as it thinks necessary or desirable for the proper carrying out of the functions and duties of the Centre.

(4) The Public Service Act, 1967-1981, shall not apply to officers or employees of the Centre appointed under subsection (3).

(5) The Centre may make use of the services of volunteers in carrying out its functions and duties.

(6) Any person who was, immediately prior to the commencement of this Act, performing any duties or work for the Parks Community Centre as an appointee of the Minister, shall, upon that commencement, become an officer or employee of the Centre without reduction of salary or status.

18. (1) The Centre is a public authority within the meaning of the Superannuation Act, 1974-1981, and—

Superannuation and continuity of leave rights.

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

and

(b) any other officer or employee of the Centre may, subject to that Act, become a contributor to the Fund.

(2) Subject to subsection (3), where a person becomes an officer or employee of the Centre within three months after ceasing to be employed—

(a) in the Public Service of the State;

or

(b) in prescribed employment,

his existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave shall continue to the extent directed by the Centre and subject to such conditions as may be imposed by the Centre as if that previous employment had been employment by the Centre.

(3) Where a person becomes an officer or employee of the Centre after ceasing to be employed in the Public Service of the State, and that employment with the Centre follows immediately upon the cessation of his employment in the Public Service, the following provisions shall apply:

(a) his existing and accruing rights immediately before the cessation of his employment in the Public Service in respect of recreation

leave, sick leave and long service leave shall continue in full force and effect as if that employment had been employment with the Centre;

and

(b) he shall not be entitled to payment in lieu of those rights.

Premises of
the Centre.

19. (1) The premises of the Centre comprise—

(a) the lands comprised in Certificates of Title Register Book Volume 3925 Folio 70, Volume 4068 Folio 686 and Volume 3609 Folio 188;

and

(b) any lands conveyed to or vested in the Centre or placed under the care, control and management of the Centre.

(2) The Governor may, by instrument in writing—

(a) place any unalienated Crown land under the care, control and management of the Centre;

or

(b) resume any land placed under the care, control and management of the Centre pursuant to paragraph (a).

(3) The Centre shall not acquire an interest in any land, or dispose of, lease or in any other way deal with any land or interest in land vested in the Centre, except with the approval of the Minister.

Financial
provisions.

20. (1) As soon as practicable after the commencement of this Act, the Centre shall submit to the Minister a budget showing its estimates of receipts and payments over the balance of the financial year within which the budget is presented, and thereafter the Centre shall, before the commencement of each succeeding financial year, submit to the Minister a budget showing its estimates of receipts and payments for that succeeding financial year.

(2) The Minister may approve, with or without amendment, a budget submitted to him under this section.

(3) The Centre shall not, without the consent of the Minister, make any expenditure that is not authorized by a budget approved under this section.

(4) The Centre may, with the consent of the Treasurer, borrow money for the purpose of enabling it to perform its functions and discharge its duties under this Act.

(5) A liability incurred with the consent of the Treasurer pursuant to subsection (4) is, by virtue of this section, guaranteed by the Treasurer.

(6) A liability of the Treasurer under a guarantee arising by virtue of subsection (5) shall be satisfied out of the General Revenue of the State, which is, by virtue of this section, appropriated to the necessary extent.

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

21. (1) The Centre shall establish, maintain and administer a fund. **The fund.**

(2) The fund shall consist of—

- (a) the moneys appropriated by Parliament for the purposes of the Centre;**
 - (b) income from any investment of any moneys of the Centre;**
 - (c) any moneys borrowed by the Centre;**
 - (d) any fees or charges received by the Centre;**
 - (e) any moneys granted, donated or bequeathed to the Centre;**
- and**
- (f) all other moneys paid to or received by the Centre that should properly be paid into the fund.**

(3) The Centre shall apply the moneys in its fund (other than any moneys borrowed by the Centre) in defraying the administrative expenses incurred by the Centre and other costs and expenses incurred by it in the performance and discharge of its functions and duties.

22. (1) The Centre 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 the Centre.

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

23. (1) The board shall, not later than the thirtieth day of September in each year, present to the Minister a report on the administration and activities of the Centre during the previous financial year. **Annual report.**

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

24. (1) The board may make, alter or repeal by-laws for all or any of the following purposes: **By-laws.**

- (a) to prohibit persons from trespassing on the grounds of the Centre;**
- (b) to prevent damage to the property, buildings or grounds of the Centre;**
- (c) to regulate the speed at which vehicles may be driven in the grounds of the Centre;**
- (d) to prohibit dangerous or careless driving in the grounds of the Centre;**
- (e) to prescribe the routes to be followed by traffic within the grounds of the Centre;**

- (f) to regulate, restrict or prohibit the standing, parking or ranking of vehicles within the grounds of the Centre, and to provide for the removal of vehicles from the grounds;
- (g) to require drivers of vehicles within the grounds of the Centre to comply with traffic directions;
- (h) generally to regulate traffic of all kinds within the grounds of the Centre;
- (i) to prohibit disorderly or offensive behaviour within the premises of the Centre, and to provide for the removal of persons guilty of disorderly or offensive behaviour;
- (j) to regulate, restrict or prohibit the consumption of alcoholic liquor within the premises of the Centre;
- (k) to prevent undue noise within the premises of the Centre;
- (l) to prescribe any other matters necessary or expedient for the maintenance of good order, the protection of property, or the prevention of hindrance to, or interference with, any activities conducted within the premises of the Centre;

and

- (m) to prescribe penalties not exceeding two hundred dollars for contravention of any by-law.

(2) Every by-law made under this section shall be sealed with the common seal of the Centre and submitted to the Minister for his approval.

(3) Where the Minister has approved a by-law made under this section, he shall cause the by-law to be laid before both Houses of Parliament in accordance with the Subordinate Legislation Act, 1978.

(4) In any proceedings for an offence against a by-law—

- (a) an allegation in the complaint that any specified place is or was within the grounds of the Centre shall, in the absence of proof to the contrary, be deemed to be proved;
- (b) an allegation in the complaint that a person named in the complaint was, at the time of the alleged offence, the owner of a vehicle referred to therein shall, in the absence of proof to the contrary, be deemed to be proved;

and

- (c) where it is proved that a vehicle was parked in the grounds of the Centre in contravention of a by-law, it shall, in the absence of proof to the contrary, be presumed that the vehicle was so parked by the owner of the vehicle.

(5) Where it is alleged that a person has committed an offence against a by-law relating to vehicular traffic or the parking of vehicles on the grounds of the Centre, the board may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the Centre of an amount specified in the notice (being an amount fixed by the by-law) within a time specified in the notice, and if the offence is so expiated, no proceedings shall be commenced in any court in respect of the alleged offence.

25. Proceedings in respect of an offence against a by-law under this Act shall be disposed of summarily. Summary proceedings.

26. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act. Regulations.

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

K. D. SEAMAN, Governor