

SOUTH AUSTRALIA

PUBLIC PARKS ACT, 1943

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 November 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

Section

1. Short title
2. Interpretation
3. Advisory Committee
4. Acquisition of land for public parks and development of land so acquired
5. Application of Land Acquisition Act
6. Power to transfer land to council
7. Remission of stamp duty on transfer or conveyance
- 7a. Sale and disposal of parklands to which this Act applies
8. Moneys for purposes of Act

PUBLIC PARKS ACT, 1943

being

Public Parks Act, 1943, No. 27 of 1943
[Assented to 16 December 1943]

as amended by

Public Parks Act Amendment Act, 1969, No. 18 of 1969 [Assented to 6 March 1969]
Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27 March 1975]
Public Parks Act Amendment Act, 1981, No. 73 of 1981 [Assented to 12 November 1981]

An Act to authorize the acquisition of land for the purpose of the provision of public parks.

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

Short title

1. This Act may be cited as the *Public Parks Act, 1943*.

Interpretation

2. In this Act—

"council" means a municipal council or district council:

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

Advisory Committee

3. (1) The advisory committee constituted under this Act as in force before the commencement of the *Public Parks Act Amendment Act, 1969*, is abolished and the members of that committee in office immediately before that commencement shall, on that commencement, cease to hold office.

(2) For the purposes of this Act there shall be an advisory committee consisting of three members.

(3) The Minister may appoint any person to be a member of the advisory committee.

(4) The Minister shall appoint one of the members of the advisory committee to be the chairman of the advisory committee.

(5) No act of the advisory committee shall be invalid on the ground only of any vacancy in the office of any member of the advisory committee.

(6) Any two members of the advisory committee, one of whom is the member for the time being appointed as chairman of the advisory committee, shall constitute a quorum at any meeting of the committee and any meeting of the committee, at which a quorum is present, shall be competent to transact any business of the committee and a decision represented by the majority of the votes cast at that meeting shall be the decision of the committee.

(7) At any meeting of the advisory committee the member for the time being appointed as chairman of the advisory committee shall have a deliberative vote and in the event of equality of votes a second or casting vote.

(8) Subject to this section, the advisory committee may regulate its own proceedings.

Acquisition of land for public parks and development of land so acquired

4. The Minister may, on the recommendation of the advisory committee—

(a) acquire land, by agreement or compulsorily, for the purpose of providing public parks;

or

3.

- (b) advance moneys to a council, by way of grant or loan, for the purpose of enabling or assisting the council to acquire land for the purpose of providing a public park, or to develop or improve land acquired for that purpose.

Application of Land Acquisition Act

5. The *Land Acquisition Act, 1969*, as amended, applies to, and in relation to, the acquisition of any land under this Act as if—

- (a) the purpose for which the land is, or is proposed to be, acquired were an undertaking within the meaning of that Act whose execution is authorized by this Act;

and

- (b) this Act were the special Act and the Minister were the Authority within the meaning of that Act.

Power to transfer land to council

6. (1) The Minister may transfer or convey any land acquired under this Act to any council upon such terms and conditions as the Minister thinks fit. If the land is under *The Real Property Act, 1886-1939*, the transfer shall comply with that Act.

(2) Notwithstanding the provisions of Part XXI of the *Local Government Act, 1934-1941*, or of any other Act, the council may enter into any contract with the Minister for the payment upon such transfer or conveyance of any moneys and interest thereon and may enter into any contract for the payment of any such moneys and interest by instalments during any period fixed by the Minister.

(3) Upon transfer or conveyance to the council as aforesaid, the land shall be held by the council as public park lands and shall be deemed to be park lands for the purposes of the *Local Government Act, 1934-1941*.

If the land so transferred is under *The Real Property Act, 1886-1939*, then, notwithstanding the provisions of *The Real Property Act, 1886-1939*, the Registrar-General shall endorse upon the certificate of title a memorandum to the effect that the land is held by the council as public park lands pursuant to this Act. Any certificate of title issued in respect of any such land or any part thereof shall be endorsed with a like memorandum.

(4) The provisions of sections 464 to 474a (both inclusive) of the *Local Government Act, 1934-1941*, shall not apply to any land transferred or conveyed to a council as aforesaid.

Remission of stamp duty on transfer or conveyance

7. Every transfer or conveyance to a council made pursuant to section 6 shall be exempt from any stamp duties chargeable under the *Stamp Duties Act, 1923-1942*.

Sale and disposal of parklands to which this Act applies

7a. (1) Notwithstanding the provisions of any other Act, but subject to subsection (2), a council may sell or dispose of land—

- (a) transferred or conveyed to the council under this Act;

or

4.

(b) in respect of the acquisition, development or improvement of which an advance has been made by the Minister under this Act.

(2) Land shall not be sold or disposed of under this section except upon the authorization of the Governor.

(3) Where the Governor authorizes the sale or disposal of land under this section, the Minister shall, as soon as practicable after the date of the authorization, cause a report of the authorization describing the land to which it relates and the reasons for which it was given to be laid before both Houses of Parliament.

Moneys for purposes of Act

8. Any moneys required for the purposes of this Act shall be provided out of moneys provided by Parliament for the purpose.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 9 of The Public General Acts of South Australia 1837-1975 at page 1.

Section 4:	substituted by 73, 1981, s. 2
Section 7a:	inserted by 73, 1981, s. 3