

South Australia

National Trust of South Australia Act 1955

An Act to constitute and incorporate a body to be known as The National Trust of South Australia, to prescribe the powers of the said body, and to provide for the preservation and maintenance of places and of chattels of any description of national historical artistic or scientific interest or natural beauty, and for purposes incidental thereto.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *National Trust of South Australia Act 1955*.

2—Interpretation

In this Act, unless the context otherwise requires or some other meaning is clearly intended—

The National Trust means The National Trust of South Australia constituted and incorporated by this Act;

the Council means the Council of the National Trust;

councillor means member of the Council.

3—Constitution of National Trust

- (1) There shall be constituted a body to be called *The National Trust of South Australia*.

- (2) The National Trust shall be a body corporate with perpetual succession and a common seal and may, in its corporate name, sue and be sued, purchase, hold and dispose of land and any estate or interest therein and all other property both real and personal of whatsoever kind and wheresoever situate for the purposes of this Act, and may exercise all powers and functions whatsoever of an incorporated body subject at all times and in all things to the rules of the National Trust for the time being in force.

4—Membership of National Trust

The National Trust shall consist of—

- (a) the persons and bodies corporate who are for the time being members of the National Trust in accordance with the rules of the National Trust;
- (b) the persons, for the time being, holding office as nominated councillors of the National Trust.

5—Objects of Trust

- (1) The National Trust is established for the purposes of promoting—
- (a) the preservation and maintenance for the benefit of the people of South Australia of lands and buildings of beauty or historic, scientific, artistic, or architectural interest and, as regards lands, the preservation (so far as practicable) of their natural aspect features and animal and plant life;
 - (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings;
 - (c) the preservation of furniture and pictures and chattels of national, historic, artistic, or scientific interest;
 - (d) the access to and enjoyment of such lands, buildings, and chattels by the public;
 - (e) the protection and heritage conservation of Ayers House (in accordance with any requirements under the *Ayers House Act 2024*).
- (2) In this section, *Ayers House* has the same meaning as in the *Ayers House Act 2024*.

6—The Council

The affairs of the National Trust and the business and management thereof shall be administered, managed, and conducted by a council to be called *The Council of the National Trust*, which shall be constituted in manner prescribed in the rules under this Act, and shall have the powers and duties therein set forth.

7—Exemption from rates and taxes

- (1) No taxes, rates (except water rates) or other imposts shall be payable under any law of the State on or in respect of any real estate or leasehold property belonging to the National Trust.
- (2) Succession duty shall not be payable in respect of any property derived by, or accruing to the National Trust.
- (3) An instrument or agreement by which any real or personal property is assured to or vested in the National Trust for purposes of this Act or agreed to be so assured or vested shall be exempt from stamp duty.

8—Power of Council to make regulations

- (1) The Council may make regulations for all or any of the following purposes:
 - (a) for ensuring the safety and the preservation of and preventing damage to or destruction of any real or personal property vested in or under the control and management of the National Trust;
 - (b) for regulating traffic and for ensuring orderly conduct on the part of visitors on any property of the National Trust;
 - (c) for fixing the hours during which any property of the National Trust or any building or structure on any property shall be open to the public;
 - (d) for fixing the payment to be made for entrance to any property of the National Trust or any building or structure on any property and for providing for the exclusion or removal from any property of the National Trust or on any part thereof or building or structure thereon of persons who have not made the prescribed payment, or who behave in a disorderly manner;
 - (e) for preventing trespassing on any property of the National Trust;
 - (f) for preventing persons from injuring, destroying, taking, removing, or in any way interfering with animals, birds, trees, and plants on any property of the National Trust;
 - (g) prescribing any other matter which it is necessary or convenient to prescribe for the purpose of the administration and enforcement of this Act;
 - (h) declaring that any breach or non-observance of a regulation shall be an offence and prescribing fines recoverable summarily, but not exceeding forty dollars for any such offence.
- (2) All regulations made under this section shall be submitted to the Governor for confirmation before being published in the Gazette or laid before Parliament and shall not be so published or laid before Parliament or have any effect unless confirmed by the Governor.
- (3) Section 38 of the *Acts Interpretation Act 1915*, as amended, shall apply to regulations made under this section.

9—Rules and by-laws

- (1) Rules and by-laws may be made by the Council for any of the purposes for which the Council had power to make rules and by-laws immediately before the commencement of the *National Trust of South Australia Act Amendment Act 1975*, and for any other purposes declared by proclamation from time to time to be purposes for which rules or by-laws, as the case may be, may be made by the Council under this Act.
- (2) The Council shall, within a period of six months after the commencement of that Act or such further time as the Minister may in writing allow, make a new set of rules and a new set of by-laws under and for the purposes of this Act and, until such sets of rules and by-laws have been made and have taken effect, the rules and by-laws contained in, or made pursuant to, this Act, as amended pursuant to this Act and in force immediately before such commencement shall, notwithstanding the repeal of the schedule hereto, as amended, continue to be the rules and by-laws of the National Trust for the purposes of this Act.

- (3) Subject to this section, but without limiting the application of section 39 of the *Acts Interpretation Act 1915*, as amended, section 38 of that Act shall apply to and in relation to rules and by-laws made by the Council under this section; but no such rule or by-law shall take effect unless and until that rule or by-law, as the case may be, has first received the concurrence of two-thirds of the whole number of members of the Council and the rule or by-law has by resolution of a general meeting of the National Trust been approved by the National Trust.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1955	43	<i>The National Trust of South Australia Act 1955</i>	8.12.1955	8.12.1955
1975	109	<i>National Trust of South Australia Act Amendment Act 1975</i>	20.11.1975	20.11.1975
2024	11	<i>Ayers House Act 2024</i>	18.4.2024	Sch 1 (cl 1)—1.7.2024 (<i>Gazette</i> 13.6.2024 p1429)

Provisions amended since 3 February 1976

New entries appear in bold.

Provision	How varied	Commencement
s 5		
s 5(1)	amended by 11/2024 Sch 1 cl 1(1)	1.7.2024
s 5(2)	inserted by 11/2024 Sch 1 cl 1(2)	1.7.2024

Historical versions

20.11.1975