

## PUBLIC PARKS ACT, 1943-1975

being

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

as amended by

Public Parks Act Amendment Act, 1969, No. 18 of 1969 [Assented to 6th March, 1969];

and

Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27th March, 1975].

### **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:

1. This Act may be cited as the "Public Parks Act, 1943-1975".

Short title.  
Citation  
amended by 24,  
1975, s. 3 (1)  
(2nd Sched.)

2. In this Act—

Interpretation.

“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.

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.

Advisory  
Committee.  
S. 3 substituted  
by 18, 1969,  
s. 2.

(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.

Power of Minister to acquire land for parks and open spaces.

4. (1) If the Minister is satisfied that in any area the public parks and open spaces set apart for the inhabitants of that area are insufficient, the Minister may, on the recommendation of the advisory committee, acquire any land for the purpose of providing public parks.

(2) Any such land may be acquired by the Minister either by agreement or compulsorily.

Application of Land Acquisition Act. S. 5 substituted by 24, 1975, s. 3 (1) (2nd Sched.)

5. The Land Acquisition Act, 1969, as amended<sup>1</sup>, 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<sup>2</sup>, the transfer shall comply with that Act.

(2) Notwithstanding the provisions of Part XXI of the Local Government Act, 1934-1941<sup>3</sup>, 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<sup>3</sup>.

If the land so transferred is under The Real Property Act, 1886-1939<sup>2</sup>, then, notwithstanding the provisions of The Real Property Act, 1886-1939<sup>2</sup>, 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<sup>3</sup>, 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<sup>4</sup>.

<sup>1</sup> Now Land Acquisition Act, 1969-1972.

<sup>2</sup> Now Real Property Act, 1886-1975.

<sup>3</sup> Now Local Government Act, 1934-1975.

<sup>4</sup> Now Stamp Duties Act, 1923-1975.

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

Moneys for  
purposes of  
Act.

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