



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 24 of 1948.

An Act to provide for the creation and management of a public park to be known as Levi Park, and for purposes incidental thereto.

[Assented to 2nd December, 1948.]

WHEREAS Adelaide Constance Belt, of Walkerville, has given to the corporation of the town of Walkerville approximately ten acres of land situated at Vale Park in the hundred of Yatala, County of Adelaide, and the sum of five thousand pounds and has expressed her desire that the said land shall be used in perpetuity as a public park, and that the said sum shall be applied to the improvement and maintenance of the said land as a public park :

AND WHEREAS the said land is situated within the boundaries of the municipality of Enfield, and with the approval of the said Adelaide Constance Belt it has been arranged between the Government of the State and the corporations of the towns of Walkerville and Enfield that, subject to the passing of this Act, the said land shall be used in accordance with the provisions set out in this Act as a public park and controlled by a trust representing the Government and the said corporations and shall be known in perpetuity as Levi Park :
 NOW THEREFORE 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 "Levi Park Act, 1948". Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
 - "chairman" means chairman of the trust :
 - "member" means member of the trust and includes the chairman :

“ the Minister ” means the Minister of Local Government :

“ park ” means the whole of the land comprised in the certificates of title registered in the Lands Titles Registration Office in Register Book volume 1742 folio 60 and volume 1601 folio 34, and any other land forming part of the park pursuant to this Act :

“ the Enfield council ” means the corporation of the town of Enfield :

“ the trust ” means the Levi Park Trust created by this Act :

“ the Walkerville council ” means the corporation of the town of Walkerville.

The Levi Park Trust.

Creation and
incorporation
of trust.

3. (1) There shall be constituted a body to be known as the “ Levi Park Trust ”.

(2) The trust shall be a body corporate with perpetual succession and a common seal, and shall have power to hold property of all kinds.

Members of
trust.

4. (1) The trust shall consist of a chairman and four other members.

(2) Leonard Hollier Maxton Marriott, Esquire, shall be the first chairman. Every subsequent chairman shall be appointed by the Governor.

(3) A member or employee of a municipal or district council and an employee of the Crown shall not be eligible for appointment as chairman: Provided that this subsection shall not apply to Leonard Hollier Maxton Marriott.

(4) Of the members of the trust other than the chairman—

(a) two shall be appointed by the Walkerville council :

(b) one shall be appointed by the Enfield council :

(c) one shall be appointed by the Governor.

(5) The first members shall be appointed as soon as practicable after the passing of this Act, and every subsequent member, other than a member appointed to a casual vacancy, shall be appointed within three months before the commencement of his term of office.

(6) Every casual vacancy occurring in the office of a member shall be filled as soon as possible after its occurrence by the authority which appointed the member whose office has become vacant.

(7) An appointment of a member shall not be invalid solely on the ground that it was not made within the prescribed time.

5. (1) Subject to this Act, the first chairman shall hold office until the thirty-first day of July, nineteen hundred and fifty-four, and every subsequent chairman shall hold office for five years. Term of office.

(2) Subject to this Act, the first members other than the chairman shall hold office until the thirty-first day of July, nineteen hundred and fifty-one, and every subsequent member shall hold office for two years.

6. (1) If a member—

Casual vacancies.

(a) resigns by written notice given to the Minister :

(b) ceases to reside in South Australia :

(c) dies :

(d) absents himself without permission of the trust from four consecutive meetings of the trust and is declared by resolution of the trust to have forfeited his seat :

(e) is removed from the trust by the Governor pursuant to this section,

his seat shall become vacant.

(2) The Governor may remove any member from office for neglect of duty, incapacity to perform his duties, dishonourable conduct, or other cause deemed sufficient by the Governor.

7. As soon as the first members have been appointed the Minister shall publish in the *Gazette* a notice containing their names, and as from the day on which the notice appears in the *Gazette* the trust shall be deemed to be duly constituted. Date of creation of trust.

8. (1) Any three members shall form a quorum for the transaction of the business of the trust. Quorum and majority decision.

(2) Every matter coming before the trust shall be decided by the votes of a majority of the members present at a duly convened meeting of the trust.

(3) If the voting on any question is equal the chairman shall have a casting vote in addition to his deliberative vote.

9. (1) If a member, through illness or other cause, is unable to attend a meeting the authority which appointed that member may appoint a deputy member to attend on his behalf. Deputy members.

(2) A deputy member attending a meeting shall have the same powers as the member for whom he acts as deputy.

Meetings.

10. The chairman shall convene the first meeting of the trust and all subsequent meetings shall be convened by such person and held at such time and place as the trust determines, provided that a meeting of the trust shall be held at least once in every three months.

Procedure.

11. The trust may make rules governing its procedure and, subject to this Act and its rules, may regulate its own procedure.

Remuneration of members of the trust.

12. The members shall be entitled to be paid out of the funds of the trust remuneration for their services at rates fixed by the trust but not exceeding twenty-five guineas a year for the chairman, nor twelve guineas a year for any other member.

Accounts and audit.

13. (1) The trust shall keep proper accounts of all its receipts and payments and shall prepare in each year a summary of its receipts and payments and balance sheet.

(2) The accounts and balance sheet shall be audited by a competent auditor holding a certificate under the Local Government Act, 1934-1946.

(3) A copy of each summary of receipts and payments and each balance sheet, with the auditor's certificate, shall be sent each year to the Minister, the Walkerville council, and the Enfield council.

Validity of proceedings of trust.

14. An act or proceeding of the trust shall not be invalid solely on the ground that at the time when that act was done or proceeding taken there was a vacancy in the office of any member of the trust, or any defect in the appointment of any member.

Employees.

15. The trust may appoint a secretary and any other employees whom it requires to assist it in the exercise of its powers and duties.

*Finance.***Gift of five thousand pounds.**

16. The Walkerville council shall forthwith after the constitution of the trust pay to the trust the sum of five thousand pounds which it has received from Adelaide Constance Belt, and the interest earned by the council on that sum.

17. (1) The trust may in each year request the Minister, the Walkerville council and the Enfield council to contribute to the trust a sum not exceeding one hundred pounds each and those councils and the Minister shall within one month after receipt of the request make contributions accordingly.

Contributions to the trust.

(2) The contributions of the Minister and of each council shall be equal.

(3) Each council and the Minister may in any year by unanimous agreement contribute an additional equal sum not exceeding fifty pounds each to the trust.

(4) This Act, without further appropriation, shall be sufficient authority for—

(a) The Treasurer to pay out of the general revenue of the State any sum which the Minister is required or permitted by this section to contribute to the trust; and

(b) a council to pay out of its revenue any sum which it is so permitted or required to contribute to the trust.

18. The trust may borrow money on overdraft or otherwise, and may give security over any of its property except the park for the repayment of money borrowed.

Power to borrow.

19. All money received by the trust shall be applied by it towards defraying the cost of carrying out its powers and duties under this Act.

Application of money.

20. The trust and the park shall be exempt from State land tax and from rates and other charges payable under the Local Government Act, 1934-47.

Exemption from land tax, rates, etc.

21. (1) The Treasurer shall out of the general revenue of the State pay to the Walkerville council the amount of any stamp duty paid by that council on the transfer of the park to it by Adelaide Constance Belt and any law costs and disbursements paid or payable by that council in connection with the transfer.

Refund of stamp duty and costs incurred by Walkerville council.

(2) This Act without further appropriation shall be sufficient authority for making payments under this section.

22. The trust may accept gifts of any property.

Gifts.

Vesting and Management of Levi Park.

Vesting of the park in the trust.

23. (1) As from the day on which a notice is published in the *Gazette* under section 7 of this Act, the whole of the land comprised in certificates of title registered in the Lands Titles Registration Office in Register Book volume 1742 folio 60 and volume 1601 folio 34 shall by virtue of this Act and without any transfer be vested in the trust for an estate in fee simple.

(2) The Registrar-General shall make in the Register Book kept in the Lands Titles Registration Office such entries as he deems appropriate to evidence the vesting of the said land in the trust by virtue of this Act.

(3) The trust shall use and maintain the said land for all time as a public park to be known as Levi Park and shall, as long as possible, preserve the Moreton Bay fig tree which at the time of the passing of this Act is growing in the park.

Enlargement of park.

24. (1) The trust may purchase any land for the enlargement of the park.

(2) The trust may by notice in the *Gazette* declare that any land which it has purchased or which has been given to it shall form part of the park.

As from the publication of any such notice in the *Gazette* the land to which the notice applies shall form part of the park within the meaning of this Act.

(3) The trust may by notice in the *Gazette* declare that any land which has been added to the park under this section shall no longer form part of the park.

As from the publication of any such notice in the *Gazette* the land to which the notice applies shall cease to form part of the park.

Disposal of surplus property.

25. The trust may sell or otherwise dispose of any of its property which is not required for the purposes of the park, but shall not have authority to sell any of the land comprised in the certificates of title registered in the Lands Titles Office in Register Book volume 1742 folio 60, or volume 1601 folio 34.

Improvements.

26. The trust may construct, erect, build or carry out paths, roads, gardens, lawns, seats, kiosks, refreshment rooms, shelters, facilities for games and amusements, and any other buildings, structures and works for the improvement or maintenance of the park.

27. (1) The trust may—

Leases.

- (a) grant leases of, and licences and other rights to use and occupy any kiosk, refreshment room, building, tennis court, bowling green, oval or other part of the park:
- (b) let on hire any equipment for games and amusements:
- (c) demand and receive reasonable rents, fees and charges for any such lease, licence, right or letting on hire.

(2) The trust may make, or permit any person to make, a charge of an amount approved by the trust for entrance to the park or any part thereof while an entertainment is being held in the park by the trust or by any person with the approval of the trust.

(3) Except as provided in this section no charge shall be made for admission to the park or any part thereof.

(4) In this section the word "entertainment" means any festival, fair, carnival, sport, game, cinematograph show, stage play, or other exhibition, amusement or entertainment.

28. (1) The trust may make by-laws—

By-laws.

- (a) for the protection and management of the park and all property therein;
- (b) for securing orderly and decent behaviour on the part of persons in the park;
- (c) regulating or prohibiting the entry of dogs into the park, or prescribing the conditions on which dogs may remain in the park; and
- (d) prescribing fines recoverable summarily and not exceeding twenty pounds for breach of any by-law.

(2) A by-law of the trust shall not have effect until confirmed by the Governor.

(3) The trust shall set out the substance of all its by-laws in clearly legible letters on a notice board at the main entrance to the park.

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

C. W. M. NORRIE, Governor.