



ANNO VICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

**A.D. 1973**

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**No. 80 of 1973**

**An Act to amend the West Beach Recreation Reserve Act, 1954.**

*[Assented to 6th December, 1973]*

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

1. (1) This Act may be cited as the "West Beach Recreation Reserve Act Amendment Act, 1973". Short titles.

(2) The West Beach Recreation Reserve Act, 1954, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "West Beach Recreation Reserve Act, 1954-1973".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 2 of the principal Act is amended by striking out from the definition of "trust" the passage "Recreation Reserve". Amendment of principal Act, s. 2— Interpretation.

4. Section 3 of the principal Act is amended—

(a) by inserting after the passage "West Beach Recreation Reserve Trust" the passage "until immediately before the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, and on and after that commencement to be known as the 'West Beach Trust'";

Amendment of principal Act, s. 3— Creation and incorporation of trust.

(b) by inserting immediately after subsection (1) the following subsection:—

(1a) Where in any Act, rule or regulation or in any document or writing a reference express or implied is made to the West Beach Recreation Reserve Trust that reference shall, on and after the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, be read as a reference to the West Beach Trust.;

and

(c) by inserting immediately after subsection (2) the following subsection:—

(3) In the exercise and discharge of its powers, duties, functions and authorities the Trust shall, except where it makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

Amendment of  
principal Act,  
s. 4—  
Membership of  
the trust.

5. Section 4 of the principal Act is amended—

(a) by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections:—

(1) The chairman and members of the trust in office immediately before the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, shall on that commencement vacate their respective offices and on and after that commencement the trust shall consist of seven members being—

(a) three members appointed by the Minister of whom one shall be appointed chairman of the trust by the Minister;

(b) two members, one of whom shall be an officer as defined in the Local Government Act, 1934-1972, of the Glenelg Council and one of whom shall be such an officer of the West Torrens Council who each shall be appointed by the Minister after consultation with the respective Councils;

and

(c) two members, one of whom shall be appointed by the Minister after consultation with the Glenelg Council and one of whom shall be appointed by the Minister after consultation with the West Torrens Council.

(2) The first members constituting the trust on the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, shall be appointed as soon

as practicable after the commencement of that Act and every subsequent member, other than a member appointed to fill a casual vacancy, may be appointed within three months before the commencement of his term of office.;

(b) by striking out from subsection (4) the passage “by the constituent council which appointed the member whose office has become vacant”;

and

(c) by striking out subsection (6).

6. Section 5 of the principal Act is repealed.

Repeal of  
s. 5 of  
principal Act.

7. Section 6 of the principal Act is amended—

(a) by striking out paragraph (a) from subsection (1) and inserting in lieu thereof the following paragraph:—

Amendment of  
principal Act,  
s. 6—  
Council  
vacancies.

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

and

(b) by striking out from paragraph (e) of subsection (1) the passage “twenty shillings in the pound” and inserting in lieu thereof the passage “one hundred cents in the dollar”.

8. Section 7 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of  
s. 7 of  
principal Act  
and enactment  
of section in  
its place—

7. The trust shall be deemed to have been duly constituted on the third day of March, 1955.

Date of  
creation of  
trust.

9. Section 8 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “and the members” the passage “, appointed on or after the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973,”;

Amendment of  
principal Act,  
s. 8—  
Term of office.

(b) by striking out from subsection (1) the word “three” and inserting in lieu thereof the word “five”;

and

(c) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Of the first members appointed on or after the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, pursuant to paragraph (b) or (c) of subsection (1) of section 4 of this Act, two shall hold office for two years and two shall hold

office for three years and the members to hold office for two or three years shall be respectively designated by the Minister at the time of their appointment.

Amendment of  
principal Act,  
s. 10—  
Quorum.

10. Section 10 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Four members of the trust shall be a quorum for the transaction of business of the trust.

Repeal of  
s. 13 of  
principal Act  
and enactment  
of section in  
its place—

11. Section 13 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Remuneration  
of members.

13. The chairman and other members of the trust shall be entitled to receive from the funds of the trust remuneration, allowances and other emoluments at such rates as are respectively fixed by the Governor from time to time.

Amendment of  
principal Act,  
s. 14—  
Accounts and  
audit.

12. Section 14 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

(2) The Auditor-General may, at any time, examine the accounts of the trust and shall as soon as practicable after the end of each financial year make a report to the Minister on the state of affairs of the trust as at the end of that financial year.

(3) The Minister shall cause every report of the Auditor-General made in accordance with subsection (2) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

(4) The provisions of section 41 of the Audit Act, 1921-1972, shall apply and have effect as if the trust were a public corporation referred to in that section.

Repeal of  
ss. 20 and 21  
of principal  
Act and  
enactment of  
section in their  
place—

13. Sections 20 and 21 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Power of trust  
to borrow  
money, etc.

20. (1) The trust may borrow money from the Treasurer and, with the consent of the Treasurer, from any person.

(2) The trust may issue debentures to secure the repayment of any money borrowed by it, pursuant to subsection (1) of this section, and all interest due thereon.

(3) Any amount borrowed by the trust with interest thereon shall be a first charge on all the property of the trust, other than the reserve, and revenue whether accrued or still to accrue of the trust.

(4) Any liability incurred with the consent of the Treasurer referred to in subsection (1) of this section is hereby guaranteed by the Treasurer.

(5) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (4) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

14. Sections 23 and 24 of the principal Act are repealed.

Repeal of  
ss. 23 and 24  
of principal  
Act.

15. Section 27 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of  
s. 27 of  
principal Act  
and enactment  
of section in  
its place—

27. The trust and all real property of the trust shall be exempt from—

Exemption  
from certain  
taxes.

- (a) any tax payable under the Land Tax Act, 1936-1972;
- (b) any rates or taxes payable under the Local Government Act, 1934-1972;
- (c) pay-roll tax payable under the Pay-roll Tax Act, 1971;
- (d) any rates or charges payable under the Waterworks Act, 1932-1971, or under the Sewerage Act, 1929-1970;
- and
- (e) any other prescribed rate, tax, charge, levy or impost.

16. Section 32 of the principal Act is amended by striking out from subsection (1) the word "That" being the first word in that subsection and inserting in lieu thereof the passage "Subject to the Coast Protection Act, 1972, that".

Amendment of  
principal Act,  
s. 32—  
Control of  
foreshore west  
of the reserve.

17. Section 34 of the principal Act is amended—

Amendment of  
principal Act,  
s. 34—  
Improvements.

- (a) by inserting in subsection (1) after the passage "The trust may" the word "provide";
- and
- (b) by inserting in subsection (1) after the passage "carry out" the passage "work in connection with".

Amendment of  
principal Act,  
s. 35—  
Leases.

18. Section 35 of the principal Act is amended by striking out subsection (3).

Amendment of  
principal Act,  
s. 36—  
By-laws.

19. Section 36 of the principal Act is amended—

(a) by striking out from subsection (1) the word “The” being the first word in that subsection and inserting in lieu thereof the passage “At any time before the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, the”;

(b) by striking out from paragraph (d) of subsection (1) the passage “twenty pounds” and inserting in lieu thereof the passage “forty dollars”;

and

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) On and after the commencement of the West Beach Recreation Reserve Act Amendment Act, 1973, the by-laws made under this section in force immediately before the commencement of that Act shall continue in operation in all respects and may be varied, amended or revoked as if—

(a) section 39 of this Act had been in operation at the time at which they were made;

and

(b) they had been validly and effectually made as regulations under that section.

Repeal of  
s. 37 of  
principal Act.

20. Section 37 of the principal Act is repealed.

Enactment of  
s. 39 of  
principal Act—

21. The following section is enacted and inserted in the principal Act immediately after section 38 thereof:—

Regulations.

39. (1) The Governor may make such regulations as are necessary and expedient for the purposes of giving effect to the provisions and objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may—

(a) prescribe all matters required or authorized to be prescribed under this Act;

(b) provide for fees to be payable for the doing of any act or thing in relation to the property of the trust or the foreshore and prescribe the fees so payable;

(c) provide for the control, protection and management of the property of the trust and the foreshore;

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- (d) provide for the securing of orderly and decent behaviour on the part of persons being in or upon any property of the trust or the foreshore and provide for the removal therefrom of any person offending against any such regulation;
- (e) regulate or prohibit the entry of vehicles or animals of any kind upon the property of the trust or the foreshore and prescribe the conditions on which vehicles or animals of any kind may remain on the property of the trust or the foreshore;
- and
- (f) provide for and prescribe penalties not exceeding in each case, one hundred dollars, for the breach of any provision of such regulation.

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

M. L. OLIPHANT, Governor