

SIR JOSEPH BANKS MEMORIAL FUND ACT.

Act No. 1, 1943.

An Act to provide for the constitution of a body corporate to be known as The Trustees of the Sir Joseph Banks Memorial Fund and to define its powers, authorities, duties and functions; to vest certain property in that body corporate; to amend the Trustees Audit Act, 1912; and for purposes connected therewith. [Assented to, 24th March, 1943.]

George VI.
No. 1, 1943.

WHEREAS at a public meeting held at Sydney on the twenty-fifth day of May, one thousand nine hundred and five, a general committee was appointed for the purpose of determining the nature of a memorial to perpetuate the memory and services of Sir Joseph Banks, and to raise funds by public subscription for such memorial: And whereas that general committee appointed an executive committee of ten members: And whereas certain moneys were raised partly by public subscription and partly by the sale of a book entitled "Sir Joseph Banks, the Father of Australia": And whereas all members of the said executive committee are now dead: And whereas it is expedient in order to carry into effect the purpose of providing the said memorial that the said moneys and the property in the unsold copies of the said book should be transferred to trustees and that such trustees should be constituted a body corporate with the powers, authorities, duties and functions hereinafter conferred and imposed upon it: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the "Sir Joseph Banks Memorial Fund Act, 1943."

Short title.

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No. 1, 1943. **2.** In this Act unless the context or subject matter otherwise indicates or requires—

Definitions.

“Fund” means the moneys referred to in the preamble to this Act.

“Member” means a member of the Trust.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations made under this Act.

“Trust” means The Trustees of the Sir Joseph Banks Memorial Fund.

The Trust.

3. (1) There shall be constituted a Trust which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed on the Trust by or under this Act.

(2) The Trust shall be a body corporate with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3) The corporate name of the Trust shall be “The Trustees of the Sir Joseph Banks Memorial Fund.”

Appointment of members.

4. (1) The Trust shall consist of eight members who shall be appointed by the Governor.

(2) Of the members so appointed—

(a) one shall, in and by the instrument of his appointment, be appointed chairman of the Trust;

(b) one other shall be the person who, for the time being, holds the office of Principal Librarian of the Public Library of New South Wales;

(c) one other shall be appointed on the nomination of The Naturalists' Society of New South Wales;

(d) one other shall be appointed on the nomination of The Royal Zoological Society of New South Wales;

(e) one other shall be appointed on the nomination of The Royal Australian Historical Society;

(f)

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- (f) one other shall be appointed on the nomination of the Linnean Society of New South Wales; No 1, 1943.
(g) one other shall be appointed on the nomination of the Trustees of Captain Cook's Landing Place;
(h) one other shall be appointed on the nomination of the Minister for Agriculture and Forests.

(3) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to or in respect of the appointment of a member of the Trust, nor shall any member of the Trust, in his capacity as such member, be subject to the provisions of any such Act.

(4) Nominations under this section shall be made in the manner and within the time prescribed.

(5) If any of the societies or trustees having authority to nominate a person for appointment as a member does not, in the manner and within the time prescribed, make such nomination, the Governor may appoint any person he thinks fit to represent such society or trustees.

5. (1) No act or proceeding of the Trust shall be invalidated or prejudiced by reason only of the fact that, at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member. Proceedings of the Trust.

(2) The procedure for the calling of meetings of the Trust and for the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the Trust.

(3) Four members shall form a quorum at any meeting of the Trust, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Trust, and shall have all the powers and authorities by this Act conferred on the Trust.

(4) At any meeting of the Trust the chairman, if present at the meeting, shall preside. If the chairman is absent from any meeting the members present shall elect one of their number to preside.

(5) At any meeting of the Trust the decision of a majority of the members present shall be the decision of the Trust.

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The chairman or member presiding shall have a deliberative vote and, if the voting be equal, shall have a second or casting vote.

Property
vested in
Trust.cf. Act No.
27, 1923,
ss. 5, 6.

6. (1) Subject to this Act and to the regulations the Trust shall have the control and management of all property vested in the Trust.

(2) The fund shall be paid by the persons who, at the commencement of this Act, hold the moneys comprising the same to the account of the Trust at a bank in Sydney to be nominated in writing by the Trust, and the receipt of the bank shall be a good discharge for the amount expressed therein to be received.

(3) The property in all unsold copies of the book referred to in the preamble to this Act is hereby vested in the Trust.

All persons having the custody of any such unsold copies shall hold and deal with the same in accordance with the directions of the Trust, and shall account to the Trust for the same or for the proceeds of the realisation thereof.

(4) Any moneys held by the Trust may, pending the application thereof under this Act, be invested in any of the securities authorised by the Trustee Act, 1925-1940.

(5) The accounts of the Trust are hereby included in Schedule Two to the Trustees Audit Act, 1912, as amended by subsequent Acts.

Trust to
make report
and recom-
mendation.

7. (1) The Trust shall, as soon as practicable after the commencement of this Act, consider how the fund may be utilised for the purpose of providing a suitable and fitting memorial to perpetuate the memory and services of Sir Joseph Banks, and shall furnish to the Governor a report setting out the conclusions arrived at by the Trust together with recommendations as to the nature of the memorial to be provided, and the manner in which the fund should be utilised for the purpose of providing such memorial.

(2) The report shall be furnished within six months after the commencement of this Act or within such further time as the Governor may allow.

The report shall be accompanied by a draft Bill for any legislation necessary to give effect to the report and recommendations.

Irrigation and Water (Amendment) Act.

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S. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act. No. 1, 1943.
Regulations.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
