

# Sir Joseph Banks Memorial Act 1945 No 30

[1945-30]



New South Wales

## Status Information

### Currency of version

Current version for 8 January 2010 to date (accessed 24 April 2025 at 11:33)

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 8 January 2010

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# Sir Joseph Banks Memorial Act 1945 No 30



New South Wales

An Act to transfer to and vest in The Trustees of the Public Library of New South Wales the Sir Joseph Banks Memorial Fund upon certain trusts; to repeal the *Sir Joseph Banks Memorial Fund Act 1943*; and for purposes connected therewith.

## Preamble

WHEREAS The Trustees of the Sir Joseph Banks Memorial Fund have exercised and discharged the powers, authorities, duties and functions conferred and imposed upon them by section seven of the *Sir Joseph Banks Memorial Fund Act 1943*: And whereas it is deemed desirable to perpetuate the memory and services of Sir Joseph Banks by utilising the Sir Joseph Banks Memorial Fund for the purpose of editing and publishing any papers or other material relating to Sir Joseph Banks and those associated with him: And whereas in pursuance of the aforesaid Act certain moneys and property have been vested in The Trustees of the Sir Joseph Banks Memorial Fund:

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:

### 1 Name of Act

This Act may be cited as the *Sir Joseph Banks Memorial Act 1945*.

### 2 Definitions

In this Act unless the context or subject matter otherwise indicates or requires:

**Banks Papers** means any papers or other material relating to Sir Joseph Banks and those associated with him.

**Regulations** means regulations made under this Act.

**Sir Joseph Banks Memorial Fund** means the moneys raised partly by public subscription for a memorial to perpetuate the memory and services of Sir Joseph Banks, partly by the sale of a book entitled "*Sir Joseph Banks, the Father of Australia*", and partly by Government grant and private donations which immediately before the commencement of this Act were vested in The Trustees of the Sir Joseph Banks Memorial

Fund.

**Trustees of the Public Library** means The Trustees of the Public Library of New South Wales incorporated under the *Library and Art Gallery Act 1899*.

### **3 Repeal of Act No 1 1943**

The *Sir Joseph Banks Memorial Fund Act 1943* is hereby repealed.

### **4 Property vested in Trustees of Public Library**

- (1) The Sir Joseph Banks Memorial Fund and the property in all unsold copies of the book entitled "*Sir Joseph Banks, the Father of Australia*", are hereby vested in the Trustees of the Public Library.
- (2) All persons having the custody of the Sir Joseph Banks Memorial Fund or of any unsold copies of the aforesaid book shall hold and deal with the same in accordance with the directions of the Trustees of the Public Library and shall account to the Trustees of the Public Library for the same or for the proceeds of the realisation thereof.
- (3) Any moneys held by the Trustees of the Public Library pursuant to this Act may, pending the application thereof under this Act, be invested in any of the securities authorised by the *Trustee Act 1925-1942*.

### **5 Application of moneys**

- (1) Subject to this Act and the regulations the Trustees of the Public Library shall have the control and management of all property vested in the Trustees of the Public Library pursuant to this Act.
- (2) The Trustees of the Public Library shall hold the Sir Joseph Banks Memorial Fund and the proceeds of the sale of any copies of the book referred to in section four of this Act and any further sums which may be acquired by them for the purposes of the Sir Joseph Banks Memorial Fund upon trust to apply the same in or towards defraying the cost of editing, publishing and distributing the Banks Papers in a manner and form suitable and fitting to the memory and services of Sir Joseph Banks.
- (3) Any moneys held by the Trustees of the Public Library pursuant to this Act shall be held by them in a separate account.
- (4) The Trustees of the Public Library shall, subject to any regulations made in that behalf, cause the Banks Papers to be edited, published and distributed under conditions to be determined by them.
- (5) The residue, if any, of any moneys held by the Trustees of the Public Library under this Act, after publication and distribution of the Banks Papers in conformity with the foregoing provisions together with the proceeds from the sales of the publication of the Banks Papers, shall be utilised by the Trustees of the Public Library for editing,

publishing and distributing works in the natural sciences with special reference to Australasia.

## **6 Regulations**

- (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.
- (2) (Repealed)