



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 22 of 1940.

An Act to amend the Botanic Garden Act, 1935.

[Assented to 7th November, 1940.]

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 " Botanic Garden Act Amendment Act, 1940 ". Short titles.

(2) The Botanic Garden Act, 1935, and this Act may be cited together as the " Botanic Garden Act, 1935-1940 ".

(3) The Botanic Garden Act, 1935, is in this Act referred to as " the principal Act ".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsections (2) and (3) of section 5 of the principal Act are repealed and the following subsection is inserted in lieu thereof :— Amendment of s. 5 of the principal Act. Board of Governors.

(2) The board shall consist of eight members appointed by the Governor.

4. Section 7 of the principal Act is repealed and the following sections are enacted and substituted in lieu thereof :— Repeal of s. 7 of the principal Act.

7. (1) Subject to this section, the term of office of every member of the board shall be four years calculated as from the first of July in the year in which he was last appointed to the board : Provided that— Enactment of other provisions. Term of office of members.

(a) a retiring member shall be eligible for re-election ;

Botanic Garden Act Amendment Act, 1940.

(b) a retiring member shall continue in office until his successor is appointed.

(2) Of the members of the board in office at the time of the passing of the Botanic Garden Act Amendment Act, 1940, four, being those who have been longest in office, shall retire on the thirtieth day of June, nineteen hundred and forty-two, and the remainder on the thirtieth day of June, nineteen hundred and forty-four. If any question arises as to which of any members who have been in office for an equal time, shall retire under this subsection, that question shall be decided by lot.

(3) The Governor may remove from office any member of the board who for any reason is incapable of performing his duties or who has been guilty of any conduct which, in the Governor's opinion, shows him to be unfit to be a member of the board.

(4) A member appointed to a casual vacancy shall hold office only for the balance of the term of the member in whose place he was appointed.

Chairman.

7a. The board shall in the month of July in each year elect one of its members to hold office as chairman until a chairman is elected in the month of July in the next year. A retiring chairman shall be eligible for re-election.

Delays and defects in appointments.

7b. No appointment under this Act shall be invalid by reason only of any delay in the making thereof, and no act of the board shall be invalid by reason only of any defect in the appointment of any member.

Enactment of s. 10a of the principal Act—

5. The following section is enacted and inserted in the principal Act after section 10 :—

Indemnity.

10a. (1) The Treasurer shall out of the general revenue of the State indemnify any member or employee of the board for any liability incurred by such member or employee by reason of any act or omission which the member or employee has done or made in good faith in the execution or intended execution of his powers, functions, or duties under this Act.

(2) This section shall be a sufficient authority for the Treasurer to pay out of the general revenue of the State any money required for the purposes of this section.

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

C. M. BARCLAY-HARVEY, Governor.