

**Legislative Council—No 135**

As received from the House of Assembly and read a first time, 7 February 2024

South Australia

**Botanic Gardens and State Herbarium  
(Miscellaneous) Amendment Bill 2023**

A BILL FOR

An Act to amend the *Botanic Gardens and State Herbarium Act 1978*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Botanic Gardens and State Herbarium Act 1978*

- 3 Amendment of section 13—Functions of Board
  - 4 Amendment of section 27—Regulations
- 

**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Botanic Gardens and State Herbarium (Miscellaneous) Amendment Act 2023*.

#### **2—Commencement**

This Act comes into operation on a day to be fixed by proclamation.

### **Part 2—Amendment of *Botanic Gardens and State Herbarium Act 1978***

#### **3—Amendment of section 13—Functions of Board**

(1) Section 13(1)(j) and (k)—delete paragraphs (j) and (k) and substitute:

(j) to engage in commercial activities for the financial or reputational benefit of the Board; and

(k) to provide courses of education and training, including vocational education and training, in relation to the fields of botany, horticulture, biology, conservation of the natural environment and history—

(i) whether on a commercial basis or otherwise, as determined by the Board; and

(ii) whether by the Board acting alone or in partnership or joint venture with another person or body; and

(2) Section 13(1)(m)—delete "of scientific, educational or historical significance that may be assigned to the Board by regulation" and substitute:

assigned to the Board under this or any other Act or by the Minister

(3) Section 13(2)—after paragraph (f) insert:

(fa) form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside of the State; and

5 (fb) borrow money or obtain other forms of financial accommodation; and

(4) Section 13(2)(h)—delete paragraph (h) and substitute:

(h) enter into any contract, agreement or arrangement with any person or body; and

10 (ha) acquire, hold, deal with or dispose of—

(i) licences; or

(ii) intellectual property (including patents and copyright); or

(iii) any other property (whether real or personal); or

(iv) any interest in such property; and

15 (hb) enter into any partnership or joint venture arrangement; and

(hc) carry on advertising or promotional activities; and

(hd) conduct events and establish, operate, manage or make available venues and other facilities (including facilities for food and liquor) on land vested in or placed under the control of the Board; and

20 (he) regulate and control admission to any venue for any events or activities conducted or promoted by the Board; and

(hf) subject to any requirements set out in the regulations, determine, charge and collect fees and charges—

25 (i) for admission to exhibitions, events or activities conducted on special occasions or for special purposes; and

(ii) in relation to education and training or other services provided by the Board; and

30 (hg) grant for fee or other consideration advertising or sponsorship rights or other rights, licences or concessions in connection with events or activities conducted or promoted by the Board; and

(5) Section 13—after subsection (2) insert:

(3) However, the Board must not, without the approval of the Treasurer, exercise a power referred to in subsection (2)(fa) or (fb).

35 (4) For the purposes of subsection (1)(k), the Board may take such action as may be necessary to comply with requirements of any laws of this State or the Commonwealth in relation to the provision of education and training (including complying with the requirements necessary for registration (and maintaining registration) as a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth).

40

- (5) To avoid doubt, the Board may not charge or collect fees or charges for admission to the gardens or other land vested in, or under the control of, the Board, or any part of those gardens or that land (except as permitted under subsection (2)(hf)).

5 **4—Amendment of section 27—Regulations**

Section 27(2)(c)—delete "gardens or other land vested in, or under the control of, the Board, or any part of those gardens or that land" and substitute:

Bicentennial Conservatory situated within Adelaide Botanic Garden