

ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. 41, 1975.

An Act to dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith. [Assented to, 18th April, 1975.]

BE

P 88781 [32c]

B^E it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the "Library (Amendment) Act, 1975".

Commencement. (1) This section and section 1 shall commence on the date of assent to this Act.

> (2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant to subsection (3).

> (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal 3. The Library Act, 1939, is in this Act referred to as the Principal Act.

Repeal of **4.** The Library of New South Wales Act, 1969, is Act No. 9, repealed.

Library (Amendment).

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	5. The Principal Act is amended—	Amend- ment of Act No. 40, 1939.
	 (a) (i) by omitting from the long title the words "and library services" and by inserting instead the words ", library services and information services"; 	Long title.
	(ii) by omitting from the long title the words "the Sydney Corporation Act, 1932–1934,";	
	() ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;	Sec. 1. (Short title.)
	(c) by inserting after section 1 the following section :— :	Sec. 1A.
		Division of Act.
	PART I.—PRELIMINARY—ss. 1-2.	
	PART II.—THE LIBRARY COUNCIL OF NEW South Wales—ss. 3–7b.	
	PART IIA.—THE STATE LIBRARY OF NEW South Wales—ss. 7c-7e.	
	PART III.—LOCAL LIBRARIES—ss. 8-14.	
	PART IIIA.—REGULATIONS—s. 15.	
	PART IV.—Amendments of Local Gov- ernment Act, 1919—s. 16.	
	SCHEDULE.—Composition and Proce- dure of the Council.	
	 (d) (i) by omitting the definition of "Council" in S section 2 and by inserting instead the following t definition : 	Sec. 2. Defini- ions.)
	"Council" means the Library Council of New South Wales constituted under section 3.	

3

(ii)

- (ii) by inserting after the definition of "Elector" in section 2 the following definitions :---
 - "Information service" means an information service provided, controlled or managed in conjunction with a library or library service.
 - "Local authority" means a council under the Local Government Act, 1919.
 - "Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a local authority in conjunction with any other person.
 - "Member" means a member of the Council.
- (iii) by inserting after the definition of "Regulations" in section 2 the following definitions :---
 - "State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.
 - "State Library" means the State Library of New South Wales.

Headings to Part II.

4

(e) by omitting the headings to Part II and by inserting instead the following headings :---

PART II.

THE LIBRARY COUNCIL OF NEW SOUTH WALES.

Library (Amendment).

(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :---

(1) There is hereby constituted a corpora- Constitu-3. tion under the corporate name of "Library Council tion of Council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969

(4) The Council shall be subject to the control and direction of the Minister in the exercise or performance of any power, authority, duty or function conferred or imposed on it under Part III of this Act or under Part IIIA of this Act in relation to local libraries.

(1) The Council shall consist of thirteen Appoint-4. members appointed by the Governor. ment and

procedure.

(2) The Schedule has effect.

The objects of the Council are-4A.

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies;
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

Library (Amendment).

information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property.

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

Powers of Council.

Library (Amendment).

- (8) The Council may borrow money-
- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

- (g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council.";
 - (ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";
 - (iii) by omitting from section 5 (1) the words "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

7

- (iv) by omitting from section 5 (1) (b) the words "and at least once in each year";
- (v) by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
- (vi) by omitting section 5 (1) (e);
- (vii) by omitting section 5 (2) and by inserting instead the following subsections:---

(2) Subject to this section and section 4B, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds.

(2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired.

- (viii) by omitting from section 5 (3) the word "board" and by inserting instead the word "Council";
 - (ix) by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";

(h) by inserting after section 5 the following section :---

5A. The Treasurer may lend moneys to the Council upon such terms as to repayment and interest as may be agreed upon.

Sec. 5A.

Treasurer may lend to Council.

Library (Amendment).

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :---

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament—

- (a) a report of its work and activities during the year that ended on that thirtieth day of June; and
- (b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in accounts. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

(j) by omitting section 7 (2) and by inserting instead Sec. 7. the following subsections :--- (Office

(Officers and employees.)

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

Library (Amendment).

(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

(k) by inserting after section 7 the following sections :---

7A. (1) The State Librarian is responsible for the administration and management of the State Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control and direction of the Council.

7B. (1) The Council may, by instrument in writing, delegate to a member or to a person appointed or employed pursuant to section 7 the exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

Secs. 7A, 7B.

State Librarian.

Delegation by Council.

(3)

Library (Amendment).

(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

(1) by inserting after Part II the following Part :---

Part IIA.

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

7c. On and from the commencement of this Title of section the institution that, immediately before ^{Library}. that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales.

7D. (1) For the purpose of providing a Annual statutory fund for the purchase of books, periodi-endowment. cals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual endowment of such amount as Parliament approves.

Library (Amendment).

(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

Special donations.

7E. (1) The arrangements made and conditions agreed to by The Trustees of the Public Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

Headings to Part III. (m) by omitting the headings to Part III and by inserting instead the following headings : —

PART III.

LOCAL LIBRARIES.

Sec. 8. (Adoption of Act.) (n) (i) by omitting from section 8 the word "council" wherever occurring and by inserting instead the words "local authority";

12

Library (Amendment).

- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";
- (o) by omitting from section 9 the word "councils" and Sec. 9. by inserting instead the words "local authorities"; (Applica-tion of

Division.)

(p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements the words "local authority";

relating to local

- (ii) by inserting in section 10 (1) before the word libraries.) "library" where firstly occurring the word "local";
- (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library";
- (iv) by inserting after section 10 (1) (c) the following paragraph :---
 - (d) A local authority shall not make a charge that has not been previously approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases.
- (v) by inserting after section 10 (1) the following subsection :---

(1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter.

(vi) by inserting in section 10 (2) before the word "library" wherever occurring the word "local";

(vii)

- (vii) by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local";
- (viii) by inserting in the definition of "Charge" in section 10 (3) before the word "library" wherever occurring the word "local";

Sec. 11. (Library committee.)

Sec. 12. (Agreements relating to local libraries.)

- (q) (i) by omitting from section 11 the word "council" wherever occurring and by inserting instead the words "local authority";
 - (ii) by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";
- (r) (i) by omitting from section 12 the word "councils" wherever occurring and by inserting instead the words "local authorities";
 - (ii) by omitting from section 12 the word "council" wherever occurring and by inserting instead the words "local authority";
 - (iii) by omitting from section 12 (1) the words "or library services" wherever occurring and by inserting instead the words ", library services or information services";
 - (iv) by omitting from section 12 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (v) by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";

(s)

- (s) (i) by omitting from section 13 the word "council" Sec. 13.
 wherever occurring and by inserting instead (Subsidy.)
 the words "local authority";
 - (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
 - (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (iv) by inserting after section 13 (3) the following subsection :---

(3A) Where a local authority has failed to comply with the requirement of section 10 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the Minister so directs by order in writing served on the local authority.

- (v) by omitting section 13 (5);
- (t) (i) by omitting from section 14 (1) the word Sec. 14. "council" and by inserting instead the words (Subsidy— "local authority"; how payable.)
 - (ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

(u)

Library (Amendment).

Headings to (u) by inserting after section 14 the following headings :---

PART IIIA.

REGULATIONS.

Sec. 15. (Regulations.) (v) (i) by inserting in section 15 (2) after the word "made" the words "for or with respect to":

- (ii) by omitting section 15 (2) (a) and by inserting instead the following paragraph :---
 - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act:
- (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
- (iv) by omitting from section 15 (2) (f) the word "requiring";
- (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
- (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :—
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;

(vii)

16

- (vii) by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
 - (viii) by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
 - (ix) by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
 - (x) by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—

public;

- (j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;
- (k) the management of the various branches or departments of a library;
- prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;
- (m) regulating the conduct of the proceedings of the Council, including the times, places and conduct of its meetings; and
- (n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.

(xi) by inserting after section 15 (2) the following subsections :---

(2A) Regulations may be made so as to-

- (a) apply to and in respect of one or more of the following corporations and places—
 - (i) the Council;
 - (ii) the State Library;
 - (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 - (iv) local libraries that are in the areas of the local authorities referred to in subparagraph
 (iii); or
 - (b) apply differently according to such factors as may be specified in the regulations.

(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

- (xii) by omitting from section 15 (3) the words
 "twenty dollars" and by inserting instead the matter "\$200";
- (xiii) by omitting from section 15 (3) the words "police or":

(xiv)

Library (Amendment).

(xiv) by omitting section 15 (5) and by inserting instead the following subsection :---

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- Schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members-

Composition.

- (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
- (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
- (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
- (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.

(2) A person—

(a) who is of or above the age of seventy years;

(b)

Library (Amendment).

- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

is not eligible to be appointed a member.

Appointment of deputy. 2. (1) In the case of the illness or absence of any member the Minister may appoint a person as a deputy to act in the place of the member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the deputy is acting.

Term of office.

3. (1) Subject to subclauses (2) and (3), a member shall hold office for four years.

Library (Amendment).

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

(3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1(1).

(4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to apply in during his term of office. respect

of member.

5. A member shall, in his capacity as a member, be paid such Allowances 5. A member shall, in his capacity as a member, be paid such that for members. determines in respect of that member.

6. The Governor may, for any cause which to him seems sufficient, Removal remove a member from office. from office.

7. A member shall be deemed to have vacated his office if he-

Vacation of office.

(b) resigns his office by writing under his hand addressed to the Minister:

21

(c)

⁽a) dies;

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
- (f) is one of the members appointed pursuant to clause 1 (1)
 (a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;
- (g) is removed from office by the Governor; or
- (h) attains the age of seventy years.

President and Deputy President. 8. (1) At the first meeting of the Council, the members shall elect from among their number a President and a Deputy President to hold office until the next succeeding election of a President and Deputy President pursuant to subclause (2).

(2) After the election of a President and Deputy President pursuant to subclause (1), the members shall—

- (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
- (b) at the first meeting of the Council in July in each succeeding year,

elect

Library (Amendment).

elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2), the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

(5) At a meeting of the Council-

- (a) the President; or
- (b) in the absence of the President-the Deputy President; or
- (c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

shall preside.

9. (1) The procedure for the calling of meetings of the Council Procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

(2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at a meeting of the Council at which a quorum is present is a decision of the Council.

Library (Amendment).

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of the Council, the member presiding at the meeting has a casting vote in addition to a deliberative vote.

The secretary.

10. The secretary to the Council-

- (a) shall cause minutes of each meeting of the Council to be recorded and preserved; and
- (b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

Common seal.

11. The common seal of the Council shall be kept by the secretary to the Council and shall only be affixed to an instrument or document in the presence of—

- (a) the President; or
- (b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

Amendment of Act No. 41, 1919. 6. The Local Government Act, 1919, is amended—

- Sec. 81A. (Polls in relation to libraries.)
- (a) (i) by omitting from section 81A (1) (a) the words "or library services" and by inserting instead the words ", library services or information services";

- (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";
- (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";
 - (ii) by inserting at the end of section 357 the following subsection :---

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

7. (1) In this section and section 9 "Council", "local Savings, transitional authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

(2) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature—

- (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;
- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

(3)

Library (Amendment).

(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities that adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

(4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

(6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

Library (Amendment).

(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this Act.

8. (1) On the commencement of this section a person Vacation of offices. who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales or as a member of the Library Board of New South Wales shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting of assets. Council of the Library of New South Wales and the Library Board of New South Wales.

(2) On and from the commencement of this section-

- (a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

Library (Amendment).

- (c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council is pending before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council;
- (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;
- (f) the Council may enforce and realise any security or charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council;
 - (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

(h)

Library (Amendment).

(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

(4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1975

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(h) all liquidated and computated charts for which afther of the contractive states which for entities entotmean of this way as been hardered if so inquidate is and cullquidated charms, tax, which the shafted while is a table.

(5) All preparty rated in or calculate to the Council by the operation of subscenes (2) (4) and a first by the Council subject to an end on one one one of the interestivity bytom the connected with of this source.

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(5) All acts there is an thing situal opportunited by our double of submatching in a time opportunited by before the comparability of the sections being non-marked and unitigs instructured in a charter of (1) shall non-and here that beau time opportunity of the section and affect so when they had beau time opportunity of the section of the time to the Consett.





I certify that this PUBLIC BILL, which originated in the LEGISLA-TIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 25 March, 1975.



ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. 41, 1975.

*

An Act to dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith. [Assented to, 18th April, 1975.]

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

> H. G. COATES, Acting Chairman of Committees of the Legislative Assembly.

Library (Amendment).

 \mathbf{B}^{E} it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the "Library (Amendment) Act, 1975".

Commencement. 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant to subsection (3).

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act. 3. The Library Act, 1939, is in this Act referred to as the Principal Act.

Repeal of 4. The Library of New South Wales Act, 1969, is Act No. 9, repealed. 1969.

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Library (Amendment). 5. The Principal Act is amended— Amendment of Act No. 40, 1939. (a) (i) by omitting from the long title the words "and Long library services" and by inserting instead the title. words ", library services and information services"; (ii) by omitting from the long title the words "the Sydney Corporation Act, 1932–1934,"; Sec. 1. (b) by omitting section 1 (3); (Short title.) (c) by inserting after section 1 the following section :- Sec. 1A. Division 1A. This Act is divided as follows :--of Act. PART I.—PRELIMINARY—ss. 1-2. PART II.—THE LIBRARY COUNCIL OF NEW SOUTH WALES-SS. 3-7B. PART IIA .--- THE STATE LIBRARY OF NEW SOUTH WALES-ss. 7C-7E. PART III.-LOCAL LIBRARIES-ss. 8-14. PART IIIA.—REGULATIONS—s. 15. PART IV.—AMENDMENTS OF LOCAL GOV-ERNMENT ACT, 1919-s. 16. SCHEDULE.—COMPOSITION PROCE-AND DURE OF THE COUNCIL. (d) (i) by omitting the definition of "Council" in Sec. 2. .II section 2 and by inserting instead the following (Definitions.) definition :---"Council" means the Library Council of New South Wales constituted under section 3. (ii)

3

- (ii) by inserting after the definition of "Elector" in section 2 the following definitions :---
 - "Information service" means an information service provided, controlled or managed in conjunction with a library or library service.
 - "Local authority" means a council under the Local Government Act, 1919.
 - "Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a local authority in conjunction with any other person.
 - "Member" means a member of the Council.
- (iii) by inserting after the definition of "Regulations" in section 2 the following definitions :---
 - "State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.
 - "State Library" means the State Library of New South Wales.

Headings to Part II.

4

(e) by omitting the headings to Part II and by inserting instead the following headings :---

PART II.

THE LIBRARY COUNCIL OF NEW SOUTH WALES.
(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :---

(1) There is hereby constituted a corpora- Constitu-3. tion under the corporate name of "Library Council tion of Council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(4) The Council shall be subject to the control and direction of the Minister in the exercise or performance of any power, authority, duty or function conferred or imposed on it under Part III of this Act or under Part IIIA of this Act in relation to local libraries.

4. (1) The Council shall consist of thirteen Appointment and members appointed by the Governor.

procedure.

(2) The Schedule has effect.

4A. The objects of the Council are-

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies;
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property.

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

Powers of Council.

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Objects of Connell

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(8)

(8) The Council may borrow money-

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- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

- (g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council";
 - (ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";
 - (iii) by omitting from section 5 (1) the words "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

(iv)

Act No. 41, 1975.

- (iv) by omitting from section 5 (1) (b) the words "and at least once in each year";
- (v) by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
- (vi) by omitting section 5 (1) (e);
- (vii) by omitting section 5 (2) and by inserting instead the following subsections:—

(2) Subject to this section and section 4B, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds.

(2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired.

- (viii) by omitting from section 5 (3) the word "board" and by inserting instead the word "Council";
- (ix) by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";

Sec. 5A.

Treasurer may lend to

Council.

(h) by inserting after section 5 the following section :---

5A. The Treasurer may lend moneys to the Council upon such terms as to repayment and interest as may be agreed upon.

8

(i)

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :---

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament—

- (a) a report of its work and activities during the year that ended on that thirtieth day of June; and
- (b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in accounts. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

and employees.)

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

(k) by inserting after section 7 the following sections :---

7A. (1) The State Librarian is responsible for the administration and management of the State Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control and direction of the Council.

7B. (1) The Council may, by instrument in writing, delegate to a member or to a person appointed or employed pursuant to section 7 the exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

7в.

Secs. 7A,

State Librarian.

Delegation by Council.

(3)

Act No. 41, 1975.

Library (Amendment).

(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

(1) by inserting after Part II the following Part :- Part IIA.

.....

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

7c. On and from the commencement of this Title of section the institution that, immediately before ^{Library}. that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales.

7D. (1) For the purpose of providing a Annual statutory fund for the purchase of books, periodiendowment. cals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual endowment of such amount as Parliament approves.

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(2)

(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

7E. (1) The arrangements made and conditions agreed to by The Trustees of the Public Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

(m) by omitting the headings to Part III and by inserting instead the following headings : —

PART III.

LOCAL LIBRARIES.

Sec. 8. (Adoption of Act.)

Headings to

Part III.

 (n) (i) by omitting from section 8 the word "council" wherever occurring and by inserting instead the words "local authority";

12

Special donations.

(ii)

- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";
- (o) by omitting from section 9 the word "councils" and Sec. 9.
 by inserting instead the words "local authorities"; (Application of Division.)
- (p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements relating

relating to local rd libraries.

- (ii) by inserting in section 10 (1) before the word libraries.) "library" where firstly occurring the word "local";
- (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library";
- (iv) by inserting after section 10 (1) (c) the following paragraph :---
 - (d) A local authority shall not make a charge that has not been previously approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases.
 - (v) by inserting after section 10 (1) the following subsection :---

(1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter.

(vi) by inserting in section 10 (2) before the word "library" wherever occurring the word "local"; 13

(vii)

- (vii) by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local";
- (viii) by inserting in the definition of "Charge" in section 10 (3) before the word "library" wherever occurring the word "local";

Sec. 11. (Library committee.)

- (q) (i) by omitting from section 11 the word "council" wherever occurring and by inserting instead the words "local authority";
 - (ii) by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";
- Sec. 12. (Agreements relating to local libraries.)
- (r) (i) by omitting from section 12 the word "councils" wherever occurring and by inserting instead the words "local authorities";
 - (ii) by omitting from section 12 the word "council" wherever occurring and by inserting instead the words "local authority";
 - (iii) by omitting from section 12 (1) the words "or library services" wherever occurring and by inserting instead the words ", library services or information services";
 - (iv) by omitting from section 12 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (v) by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";

(s)

- (s) (i) by omitting from section 13 the word "council" Sec. 13.
 wherever occurring and by inserting instead (Subsidy.) the words "local authority";
 - (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
 - (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (iv) by inserting after section 13 (3) the following subsection :---

(3A) Where a local authority has failed to comply with the requirement of section 10 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the Minister so directs by order in writing served on the local authority.

- (v) by omitting section 13 (5);
- (t) (i) by omitting from section 14 (1) the word sec. 14. "council" and by inserting instead the words (Subsidy— "local authority"; payable.)
 - (ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

15

(u)

Headings to Part IIIA. (u) by inserting after section 14 the following headings :---

PART IIIA.

REGULATIONS.

Sec. 15. (Regulations.)

- (ii) by omitting section 15 (2) (a) and by inserting instead the following paragraph :---
 - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act;
- (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
- (iv) by omitting from section 15 (2) (f) the word "requiring";
- (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
- (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :—
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;

16

(vii)

⁽v) (i) by inserting in section 15 (2) after the word "made" the words "for or with respect to";

Library (Amendment).
(vii) by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
(viii) by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
(ix) by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";

(x) by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—

public;

- (j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;
- (k) the management of the various branches or departments of a library;
- prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;
- (m) regulating the conduct of the proceedings of the Council, including the times, places and conduct of its meetings; and
- (n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.

17

(xi)

Act No. 41, 1975.

- (xi) by inserting after section 15 (2) the following subsections :---
 - (2A) Regulations may be made so as to-
 - (a) apply to and in respect of one or more of the following corporations and places—
 - (i) the Council;
 - (ii) the State Library;
 - (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 - (iv) local libraries that are in the areas of the local authorities referred to in subparagraph
 (iii); or
 - (b) apply differently according to such factors as may be specified in the regulations.

(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

- (xii) by omitting from section 15 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- (xiii) by omitting from section 15 (3) the words "police or";

1200

(xiv)

(xiv) by omitting section 15 (5) and by inserting instead the following subsection :--

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members-

Composition.

- (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
- (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
- (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
- (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.
- (2) A person-
- (a) who is of or above the age of seventy years;

(b)

- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

is not eligible to be appointed a member.

Appointment of deputy. 2. (1) In the case of the illness or absence of any member the Minister may appoint a person as a deputy to act in the place of the member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the deputy is acting.

Term of office.

3. (1) Subject to subclauses (2) and (3), a member shall hold office for four years.

20

(2)

Act No. 41, 1975.

Library (Amendment).

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

(3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1 (1).

(4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to apply in during his term of office. respect

of member.

5. A member shall, in his capacity as a member, be paid such Allowances travelling and subsistence allowances as the Minister from time to time for members. determines in respect of that member.

6. The Governor may, for any cause which to him seems sufficient, Removal from remove a member from office. office.

7. A member shall be deemed to have vacated his office if he-

Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
- (f) is one of the members appointed pursuant to clause 1 (1) (a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;
- (g) is removed from office by the Governor; or
- (h) attains the age of seventy years.

President President.

8. (1) At the first meeting of the Council, the members shall elect and Deputy from among their number a President and a Deputy President to hold office until the next succeeding election of a President and Deputy President pursuant to subclause (2).

> (2) After the election of a President and Deputy President pursuant to subclause (1), the members shall-

- (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
- (b) at the first meeting of the Council in July in each succeeding year,

elect

elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2), the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

- (5) At a meeting of the Council-
- (a) the President; or
- (b) in the absence of the President-the Deputy President; or
- (c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

shall preside.

9. (1) The procedure for the calling of meetings of the Council procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

(2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at a meeting of the Council at which a quorum is present is a decision of the Council.

(4)

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of the Council, the member presiding at the meeting has a casting vote in addition to a deliberative vote.

The secretary.

10. The secretary to the Council-

- (a) shall cause minutes of each meeting of the Council to be recorded and preserved; and
- (b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

Common seal.

11. The common seal of the Council shall be kept by the secretary to the Council and shall only be affixed to an instrument or document in the presence of—

- (a) the President; or
- (b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

Amendment of Act No. 41, 1919. 6. The Local Government Act, 1919, is amended—

Sec. 81A. (Polls in relation to

libraries.)

(a) (i) by omitting from section 81A (1) (a) the words "or library services" and by inserting instead the words ", library services or information services";

(ii)

- (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";
- (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";
 - (ii) by inserting at the end of section 357 the following subsection :—

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

7. (1) In this section and section 9 "Council", "local Savings, transitional authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

(2) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature—

- (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;
- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

(3)

(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities that adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

(4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

(6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this Act.

8. (1) On the commencement of this section a person Vacation who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales or as a member of the Library Board of New South Wales shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting Council of the Library of New South Wales and the Library Board of New South Wales.

- (2) On and from the commencement of this section-
- (a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

- (c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council;
- (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;
- (f) the Council may enforce and realise any security or charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council;
- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

(h)

(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

(4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET, Lieutenant-Governor.

Government House, Sydney, 18th April, 1975.

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(b) all liquidates and analogic and clause for which either of fift founds body to what present thereined mented this soft for been have shall be liquidated and antiquidated of its of which the Council shall be hable.

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L. W. STREET, Lieutzhant-Governor.

> Sovernment House. Sydney, 18th Veril, 1975.





LIBRARY (AMENDMENT) BILL.

Schedule of the Amendment referred to in Legislative Council's Message of 25 March, 1975

No. 1.-Page 5, clause 5, lines 15 to 20 inclusive. Omit all words on these lines, insert-

> (4) The Council shall be subject to the control and direction of the Minister in the exercise or performance of any power, authority, duty or function conferred or imposed on it under Part III of this Act or under Part IIIA of this Act in relation to local libraries.

302- (2) 81761



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 March, 1975, A.M.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

A. W. SAXON, Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 25 March, 1975.



New South Males

ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith.

BE

81761 302—A(2)

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

 \mathbf{B}^{E} it enacted by the Queen'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 : —

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1. This Act may be cited as the "Library (Amendment) Short title. Act, 1975".

2. (1) This section and section 1 shall commence on Commencethe date of assent to this Act.

10 (2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant
15 to subsection (3).

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Library Act, 1939, is in this Act referred to as Principal the Principal Act.

4. The Library of New South Wales Act, 1969, is Repeal of Act No. 9, 1969.

5.

	Library (Amendment).	
		Amend- ment of Act No. 40, 1939.
	 (a) (i) by omitting from the long title the words "and library services" and by inserting instead the words ", library services and information services"; 	Long title.
	(ii) by omitting from the long title the words "the Sydney Corporation Act, 1932–1934,";	
	(0) by omitting section $T(5)$,	Sec. 1. (Short title.)
	(c) by inserting after section 1 the following section :	Sec. 1A.
0		Division of Act.
	PART I.—PRELIMINARY—ss. 1-2.	
	PART II.—THE LIBRARY COUNCIL OF NEW SOUTH WALES—ss. 3–7b.	
5	PART IIA.—THE STATE LIBRARY OF NEW SOUTH WALES—ss. 7C-7E.	
	PART III.—LOCAL LIBRARIES—ss. 8–14.	
	PART IIIA.—REGULATIONS—s. 15.	
	PART IV.—Amendments of Local Gov- ernment Act, 1919—s. 16.	
0	SCHEDULE.—Composition and Proce- dure of the Council.	
	 (d) (i) by omitting the definition of "Council" in section 2 and by inserting instead the following definition :— 	Sec. 2. (Defini- tions.)
5	"Council" means the Library Council of New South Wales constituted under section 3.	C
	(ii)	

	Library (Amendment).
	(ii) by inserting after the definition of "Elector" in section 2 the following definitions :
5	"Information service" means an information service provided, controlled or man- aged in conjunction with a library or library service.
	"Local authority" means a council under the Local Government Act, 1919.
10	"Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a local authority in conjunction with any
15	other person.
	"Member" means a member of the Council
20	(iii) by inserting after the definition of "Regula- tions" in section 2 the following definitions :
	"State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.
25	"State Library" means the State Library of New South Wales.
	(e) by omitting the headings to Part II and by inserting instead the following headings :

PART II.

THE LIBRARY COUNCIL OF NEW SOUTH WALES.

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(f)

(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :----

3. (1) There is hereby constituted a corpora- Constitution under the corporate name of "Library Council tion of Council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(4) In the exercise or performance of any power, authority, duty or function conferred or imposed on it, except when giving advice or making recommendations to the Minister for the purposes of this Act, the Council is subject to the control and direction of the Minister.

(4) The Council shall be subject to the control and direction of the Minister in the exercise or performance of any power, authority, duty or function conferred or imposed on it under Part III of this Act or under Part IIIA of this Act in relation to local libraries.

4. (1) The Council shall consist of thirteen Appointment and members appointed by the Governor.

procedure.

(2) The Schedule has effect.

The objects of the Council are-4A.

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies:
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

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information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may Powers of exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property.

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

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(8)
(8) The Council may borrow money-

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- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

(g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council.";

(ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";

 (iii) by omitting from section 5 (1) the words "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

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(iv)

	Library (Amendment).
(iv) by omitting from section 5 (1) (b) the words "and at least once in each year";
(1) by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
(v) by omitting section 5 (1) (e);
(vi	 by omitting section 5 (2) and by inserting instead the following subsections:—
	(2) Subject to this section and section $4B$, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds.
	(2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be
	given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired.
(vii	i) by omitting from section 5 (3) the word "board" and by inserting instead the word
San and here	"Council";
(i	 by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";

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(h) by inserting after section 5 the following section :- Sec. 5A.

5A. The Treasurer may lend moneys to the Treasurer Council upon such terms as to repayment and Council. interest as may be agreed upon.

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(i)

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :---

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament—

- (a) a report of its work and activities during the year that ended on that thirtieth day of June; and
- (b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in accounts. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

(j) by omitting section 7 (2) and by inserting instead Sec. 7. the following subsections :-- (Officers and

employees.)

(3)

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

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(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

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(k) by inserting after section 7 the following Secs. 7A, sections :---

7A. (1) The State Librarian is responsible for State the administration and management of the State Librarian. Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control and direction of the Council.

7B. (1) The Council may, by instrument in Delegation writing, delegate to a member or to a person by appointed or employed pursuant to section 7 the exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

(3)

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(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

(1) by inserting after Part II the following Part :---

Part IIA,

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

7c. On and from the commencement of this Title of section the institution that, immediately before ^{Library.} that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales.

7D. (1) For the purpose of providing a Annual statutory fund for the purchase of books, periodi- endowcals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual endowment of such amount as Parliament approves.

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(2)

(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

7E. (1) The arrangements made and condi-Special tions agreed to by The Trustees of the Public donations. Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

PART III.

LOCAL LIBRARIES.

(n) (i) by omitting from section 8 the word "council" Sec. 8.
 wherever occurring and by inserting instead (Adoption the words "local authority";

(ii)

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⁽m) by omitting the headings to Part III and by inserting Headings to instead the following headings : —

Library (Amendment). (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council"; (o) by omitting from section 9 the word "councils" and Sec. 9. by inserting instead the words "local authorities"; (Applica-5 tion of Division.) (p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements the words "local authority"; relating to local (ii) by inserting in section 10 (1) before the word libraries.) "library" where firstly occurring the word 10 "local"; (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library"; 15 (iv) by inserting after section 10 (1) (c) the following paragraph :---(d) A local authority shall not make a charge that has not been previously 20 approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases. (v) by inserting after section 10 (1) the following subsection :---25 (1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter. (vi) by inserting in section 10 (2) before the word 30 "library" wherever occurring the word "local";

(vii)

G. R.			
		Library (Amendment).	
	(vii)	by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local";	
5	(viii)	by inserting in the definition of "Charge" in section 10 (3) before the word "library" wherever occurring the word "local";	
	(q) (i)	by omitting from section 11 the word Sec. 11. "council" wherever occurring and by inserting (Library instead the words "local authority"; mittee.)	
10	(ii)	by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";	
15	(r) (i)	by omitting from section 12 the word Sec. 12. "councils" wherever occurring and by inserting (Agree- ments instead the words "local authorities"; relating	
	(ii)	by omitting from section 12 the word libraries.) "council" wherever occurring and by inserting instead the words "local authority";	
20	(iii)	by omitting from section 12 (1) the words "or library services" wherever occurring and by	

inserting instead the words ", library services or information services"; (iv) by omitting from section 12 the words "and

- library services" wherever occurring and by inserting instead the words ", library services and information services";
- (v) by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";

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(s)

- (s) (i) by omitting from section 13 the word "council" Sec. 13.
 wherever occurring and by inserting instead (Subsidy.) the words "local authority";
 - (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
 - (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (iv) by inserting after section 13 (3) the following subsection :---

(3A) Where a local authority has failed to comply with the requirement of section 10 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the Minister so directs by order in writing served on the local authority.

(v) by omitting section 13 (5);

(t) (i) by omitting from section 14 (1) the word Sec. 14. "council" and by inserting instead the words (Subsidy— "local authority"; payable.)

 (ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

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Act No. , 1975.

Library (Amendment).

(u) by inserting after section 14 the following Headings to headings :---

PART IIIA.

REGULATIONS.

- (v) (i) by inserting in section 15 (2) after the word Sec. 15. "made" the words "for or with respect to"; (Regulations.)
 - (ii) by omitting section 15 (2) (a) and by inserting instead the following paragraph:—
 - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act;
 - (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
 - (iv) by omitting from section 15 (2) (f) the word "requiring";
 - (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
 - (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :—
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;

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	Library (Amendment).
	(vii) by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
5	(viii) by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
10	 (ix) by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
	(x) by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—
	public;
15	(j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;
:0	(k) the management of the various branches or departments of a library;
25	 prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;
	(m) regulating the conduct of the proceed- ings of the Council, including the times, places and conduct of its meetings; and
30	 (n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.

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(xi)

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(xi) by inserting after section 15 (2) the following subsections :---

(2A) Regulations may be made so as to—

(a) apply to and in respect of one or more of the following corporations and places—

(i) the Council;

(ii) the State Library;

- (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 - (iv) local libraries that are in the areas of the local authorities referred to in subparagraph
 (iii); or

(b) apply differently according to such factors as may be specified in the regulations.

(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

(xii) by omitting from section 15 (3) the words
 "twenty dollars" and by inserting instead the matter "\$200";

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(xiii) by omitting from section 15 (3) the words "police or";

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(xiv) by omitting section 15 (5) and by inserting instead the following subsection :---

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- Schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members-

Composition.

- (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
- (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
- (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
- (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.

25 (2) A person—

(a) who is of or above the age of seventy years;

(b)

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- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

10 is not eligible to be appointed a member.

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2. (1) In the case of the illness or absence of any member the Appoint-Minister may appoint a person as a deputy to act in the place of the ment of member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is 15 acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not 20 any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the 25 deputy is acting.

3. (1) Subject to subclauses (2) and (3), a member shall hold Term of office for four years.

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

5 (3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1 (1).

10 (4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to apply in 15 during his term of office.

respect of member.

5. A member shall, in his capacity as a member, be paid such Allowances travelling and subsistence allowances as the Minister from time to time for members. determines in respect of that member.

6. The Governor may, for any cause which to him seems sufficient, Removal 20 remove a member from office. from office.

7. A member shall be deemed to have vacated his office if he-

Vacation of office.

(c)

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
 - (f) is one of the members appointed pursuant to clause 1 (1)
 (a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;
 - (g) is removed from office by the Governor; or
 - (h) attains the age of seventy years.
- 8. (1) At the first meeting of the Council, the members shall elect President
 20 from among their number a President and a Deputy President to and Deputy hold office until the next succeeding election of a President and President. Deputy President pursuant to subclause (2).

(2) After the election of a President and Deputy President pursuant to subclause (1), the members shall—

- 25 (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
 - (b) at the first meeting of the Council in July in each succeeding year,

elect

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elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2), the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

10 (5) At a meeting of the Council—

(a) the President; or

(b) in the absence of the President-the Deputy President; or

(c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

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shall preside.

9. (1) The procedure for the calling of meetings of the Council Procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

20 (2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at 25 a meeting of the Council at which a quorum is present is a decision of the Council.

(4)

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of the Council, the member presiding at the meeting has a casting vote in addition to a deliberative vote.

10. The secretary to the Council-

The secretary.

- (a) shall cause minutes of each meeting of the Council to be recorded and preserved; and
- (b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

11. The common seal of the Council shall be kept by the secretary Common to the Council and shall only be affixed to an instrument or document seal. in the presence of—

15 (a) the President; or

(b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

20 6. The Local Government Act, 1919, is amended—

Amendment of Act No. 41, 1919.

(a) (i) by omitting from section 81A (1) (a) the Sec. 81A.
 words "or library services" and by inserting (Polls in relation to instead the words ", library services or libraries.) information services";

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(ii)

- (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";
- (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";
 - (ii) by inserting at the end of section 357 the following subsection :---

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

15 7. (1) In this section and section 9 "Council", "local Savings, authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

 (2) A reference, in any other Act, or in any
 20 regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature—

- (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;
- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

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(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance
5 with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities that adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

10 (4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the com15 mencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

(6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State
 25 Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the 30 Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this
5 Act.

8. (1) On the commencement of this section a person Vacation who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales

or as a member of the Library Board of New South Wales 10 shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting of assets.
15 Council of the Library of New South Wales and the Library Board of New South Wales.

(2) On and from the commencement of this section—

- (a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

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(c)

(c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council;

(e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;

(f) the Council may enforce and realise any security or charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council;

(g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

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(h)

(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

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10 (4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters15 and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975 [32c]

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(h) all liquidated and mines in a chimalfor which cider of an har or bolics could in repths coue mentiol the out is of point thinks in the starand tanonidated clauss for which tao Council and be into.

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(a) No attainment (a hir Courte by a lessed from clubes of the torner bodies shall be required.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 March, 1975, A.M.



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ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith.

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 \mathbf{B}^{E} it enacted by the Queen'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 : —

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1. This Act may be cited as the "Library (Amendment) Short title. Act, 1975".

2. (1) This section and section 1 shall commence on Commencethe date of assent to this Act.

10 (2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant
15 to subsection (3).

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Library Act, 1939, is in this Act referred to as Principal the Principal Act.

4. The Library of New South Wales Act, 1969, is Repeal of Act No. 9, 1969.

Act No. , 1975.

	Library (Amendment).	
	the second warder and second states and the second	Amend- ment of Act No. 40, 1939.
;	 (a) (i) by omitting from the long title the words "and library services" and by inserting instead the words ", library services and information services"; 	Long title.
	(ii) by omitting from the long title the words "the Sydney Corporation Act, 1932–1934,";	
	(0) by omitting section 1 (5) ,	Sec. 1. (Short title.)
	(c) by inserting after section 1 the following section :	Sec. 1A.
0		Division
	PART I.—PRELIMINARY—ss. 1–2.	
	PART II.—THE LIBRARY COUNCIL OF NEW SOUTH WALES—ss. 3–7b.	
5	PART IIA.—THE STATE LIBRARY OF NEW SOUTH WALES— <i>ss.</i> 7c–7e.	01
	PART III.—LOCAL LIBRARIES—ss. 8–14.	
	PART IIIA.—REGULATIONS—s. 15.	
	PART IV.—Amendments of Local Gov- ernment Act, 1919—s. 16.	25
0	SCHEDULE.—Composition and Proce- dure of the Council.	
	 (d) (i) by omitting the definition of "Council" in section 2 and by inserting instead the following definition :— 	Sec. 2. (Defini- tions.)
5	"Council" means the Library Council of New South Wales constituted under section 3.	0
	(ii)	

	Library (Amendment).	
	(ii) by inserting after the definition of "Elector" in section 2 the following definitions :—	
5	"Information service" means an information service provided, controlled or man- aged in conjunction with a library or library service.	
	"Local authority" means a council under the Local Government Act, 1919.	
10	"Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a	
15	local authority in conjunction with any other person.	
	"Member" means a member of the Council	
20	(iii) by inserting after the definition of "Regula- tions" in section 2 the following definitions :	
	"State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.	
25	"State Library" means the State Library of New South Wales.	
	(e) by omitting the headings to Part II and by inserting Headings instead the following headings :	Part
	PART II.	
30	THE LIBRARY COUNCIL OF NEW SOUTH WALES	

THE LIBRARY COUNCIL OF NEW SOUTH WALES.

(f)

(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :---

3. (1) There is hereby constituted a corpora- Constitution under the corporate name of "Library Council tion of council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(4) In the exercise or performance of any power, authority, duty or function conferred or imposed on it, except when giving advice or making recommendations to the Minister for the purposes of this Act, the Council is subject to the control and direction of the Minister.

4. (1) The Council shall consist of thirteen Appointmembers appointed by the Governor.

(2) The Schedule has effect.

4A. The objects of the Council are—

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies;
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

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information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may Powers of council. exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property.

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

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(8)

(8) The Council may borrow money—

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- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

(g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council";

(ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";

(iii) by omitting from section 5 (1) the words
 "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

(iv)

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		Library (Amendment).
	(iv)	by omitting from section 5 (1) (b) the words "and at least once in each year";
5	(v)	by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
	(vi)	by omitting section 5 (1) (e);
	(vii)	by omitting section 5 (2) and by inserting instead the following subsections:—
10		(2) Subject to this section and section $4B$, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds.
15		(2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be
20		given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired.
25	(viii)	by omitting from section 5 (3) the word "board" and by inserting instead the word "Council";
	(ix)	by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library

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(h) by inserting after section 5 the following section :- Sec. 5A.

services and information services";

5A. The Treasurer may lend moneys to the Treasurer Council upon such terms as to repayment and Council. interest as may be agreed upon.

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(i)

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :—

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament—

(a) a report of its work and activities during the year that ended on that thirtieth day of June; and

(b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in accounts. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

and employees.)

(3)

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

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(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

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7A. (1) The State Librarian is responsible for State the administration and management of the State Librarian. Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control

and direction of the Council.

7B. (1) The Council may, by instrument in Delegation writing, delegate to a member or to a person by Council. appointed or employed pursuant to section 7 the exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

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(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

(1) by inserting after Part II the following Part :-- Part IIA.

.....

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

7c. On and from the commencement of this Title of section the institution that, immediately before ^{Library.} that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales.

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7D. (1) For the purpose of providing a Annual statutory fund for the purchase of books, periodiendowment. cals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual endowment of such amount as Parliament approves.

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(2)

(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

7E. (1) The arrangements made and condi-Special tions agreed to by The Trustees of the Public donations. Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

PART III.

LOCAL LIBRARIES.

(n) (i) by omitting from section 8 the word "council" Sec. 8.
 wherever occurring and by inserting instead (Adoption of Act.)
 the words "local authority";

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(ii)

⁽m) by omitting the headings to Part III and by inserting Headings to instead the following headings : —

- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";
- (o) by omitting from section 9 the word "councils" and Sec. 9. by inserting instead the words "local authorities"; (Application of Division.)
- (p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements the words "local authority";

relating to local

- (ii) by inserting in section 10 (1) before the word libraries.) "library" where firstly occurring the word "local";
- (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library";
- (iv) by inserting after section 10 (1) (c) the following paragraph :---
 - (d) A local authority shall not make a charge that has not been previously approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases.

(v) by inserting after section 10 (1) the following subsection :---

(1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter.

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(vi) by inserting in section 10 (2) before the word "library" wherever occurring the word "local";

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		Library (Amendment).	
	(vii)	by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local";	
5	(viii)	by inserting in the definition of "Charge" in section 10 (3) before the word "library" wherever occurring the word "local";	
	(q) (i)	by omitting from section 11 the word Sec. "council" wherever occurring and by inserting (Li con instead the words "local authority"; mit	brary
10	(ii)	by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";	
15	(r) (i)	instead the words "local authorities"; rela	(Agree- ments relating to local
	(ii)	by omitting from section 12 the word libr "council" wherever occurring and by inserting instead the words "local authority";	
20	(iii)	by omitting from section 12 (1) the words "or library services" wherever occurring and by inserting instead the words ", library services or information services";	
25	(iv)	by omitting from section 12 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";	
30	(v)	by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";	

Library (Amendment). (s) (i) by omitting from section 13 the word "council" Sec. 13. wherever occurring and by inserting instead (Subsidy.) the words "local authority"; (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service"; (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services 10 and information services"; (iv) by inserting after section 13 (3) the following subsection :---(3A) Where a local authority has failed to comply with the requirement of section 10 15 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the 20 Minister so directs by order in writing served on the local authority. (v) by omitting section 13 (5);

> (i) by omitting from section 14 (1) the word Sec. 14. (t) "council" and by inserting instead the words (Subsidyhow "local authority"; payable.)

(ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

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Act No. , 1975.

Library (Amendment).

(u) by inserting after section 14 the following Headings to headings :---

PART IIIA.

REGULATIONS.

(v) (i) by inserting in section 15 (2) after the word Sec. 15. "made" the words "for or with respect to"; (Regulations.)

- - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act;
- (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
- (iv) by omitting from section 15 (2) (f) the word "requiring";
- (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
- (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :---
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;

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- (vii) by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
- (viii) by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
- (ix) by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
- (x) by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—

public;

(j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;

(k) the management of the various branches or departments of a library;

 prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;

(m) regulating the conduct of the proceedings of the Council, including the times, places and conduct of its meetings; and

(n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.

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- (xi) by inserting after section 15 (2) the following subsections :---
 - (2A) Regulations may be made so as to-
 - (a) apply to and in respect of one or more of the following corporations and places—
 - (i) the Council;
 - (ii) the State Library;
 - (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 - (iv) local libraries that are in the areas of the local authorities referred to in subparagraph
 (iii); or
 - (b) apply differently according to such factors as may be specified in the regulations.

(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

- (xii) by omitting from section 15 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- (xiii) by omitting from section 15 (3) the words "police or";

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(xiv) by omitting section 15 (5) and by inserting instead the following subsection :---

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- Schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members-

Composi-

- (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
- (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
- (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
- (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.

25 (2) A person—

(a) who is of or above the age of seventy years;

(b)

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- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
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(c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

10 is not eligible to be appointed a member.

2. (1) In the case of the illness or absence of any member the Appoint-Minister may appoint a person as a deputy to act in the place of the ment of member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is 15 acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not 20 any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the 25 deputy is acting.

3. (1) Subject to subclauses (2) and (3), a member shall hold Term of office for four years.

(2)

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

(3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1 (1).

10 (4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to apply in 15 during his term of office.

respect of member.

5. A member shall, in his capacity as a member, be paid such Allowances travelling and subsistence allowances as the Minister from time to time for members. determines in respect of that member.

6. The Governor may, for any cause which to him seems sufficient, Removal 20 remove a member from office. from office.

7. A member shall be deemed to have vacated his office if he-

Vacation of office.

(a) dies;

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(b) resigns his office by writing under his hand addressed to the Minister;

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
 - (f) is one of the members appointed pursuant to clause 1 (1)
 (a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;

(g) is removed from office by the Governor; or

(h) attains the age of seventy years.

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8. (1) At the first meeting of the Council, the members shall elect President
 20 from among their number a President and a Deputy President to and Deputy hold office until the next succeeding election of a President and President. Deputy President pursuant to subclause (2).

(2) After the election of a President and Deputy President pursuant to subclause (1), the members shall—

- 25 (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
 - (b) at the first meeting of the Council in July in each succeeding year,

elect

elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2),
5 the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

10 (5) At a meeting of the Council—

(a) the President; or

(b) in the absence of the President-the Deputy President; or

(c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

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shall preside.

9. (1) The procedure for the calling of meetings of the Council Procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

20 (2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at 25 a meeting of the Council at which a quorum is present is a decision of the Council.

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of the Council, the member presiding at the meeting has a casting vote in addition to a deliberative vote.

10. The secretary to the Council—

The secretary.

(a) shall cause minutes of each meeting of the Council to be recorded and preserved; and

(b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

11. The common seal of the Council shall be kept by the secretary Common to the Council and shall only be affixed to an instrument or document seal. in the presence of—

15 (a) the President; or

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(b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

20 6. The Local Government Act, 1919, is amended—

Amendment of Act No. 41, 1919.

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(a) (i) by omitting from section 81A (1) (a) the Sec. 81A.
 words "or library services" and by inserting (Polls in relation to instead the words ", library services or libraries.) information services";

(ii)

- (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";
- (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";
 - (ii) by inserting at the end of section 357 the following subsection :---

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

15 7. (1) In this section and section 9 "Council", "local Savings, authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

(2) A reference, in any other Act, or in any20 regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature—

- (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;
- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

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(3)

(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance
5 with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities that adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

10 (4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

20 (6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State 25 Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the 30 Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

(8)

(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this Act.

8. (1) On the commencement of this section a person Vacation who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales or as a member of the Library Board of New South Wales 10 shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting of assets.
15 Council of the Library of New South Wales and the Library Board of New South Wales.

(2) On and from the commencement of this section-

- (a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

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(c)

Act No. , 1975.

Library (Amendment).

- (c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council;
- (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;

(f) the Council may enforce and realise any security or charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council;

(g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

(h)

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(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

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(4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters15 and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975 [32c] the date of second and the second an





No. , 1975.

A BILL

To dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith.

[MR BARRACLOUGH—18 March, 1975.]

BE

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81761 302-A

B it enacted by the Queen'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. This Act may be cited as the "Library (Amendment) Short title. Act, 1975".

2. (1) This section and section 1 shall commence on Commencethe date of assent to this Act.

10 (2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant
15 to subsection (3).

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Library Act, 1939, is in this Act referred to as Principal Act.

BE

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4. The Library of New South Wales Act, 1969, is Repeal of Act No. 9, 1969.

	Library (Amendment).	
-	5. The Principal Act is amended—	Amend- ment of Act No. 40, 1939.
5	 (a) (i) by omitting from the long title the words "and library services" and by inserting instead the words ", library services and information services"; 	Long title.
	(ii) by omitting from the long title the words "the Sydney Corporation Act, 1932–1934,";	
	(b) by omitting section 1 (3);	Sec. 1. (Short title.)
	(c) by inserting after section 1 the following section :	Sec. 1A.
10	1A. This Act is divided as follows :	Division of Act.
	PART I.—PRELIMINARY—ss. 1–2.	
	PART II.—THE LIBRARY COUNCIL OF NEW South Wales—ss. 3–7b.	
15	PART IIA.—THE STATE LIBRARY OF NEW South Wales—ss. 7c–7e.	$20_{i} \geq \frac{i}{i} \geq \frac{i}{i} \geq \frac{i}{i}$
	PART III.—LOCAL LIBRARIES—ss. 8–14.	
	PART IIIA.—REGULATIONS—s. 15.	
	PART IV.—Amendments of Local Gov- ernment Act, 1919—s. 16.	25
20	SCHEDULE.—Composition and Proce- dure of the Council.	
	(d) (i) by omitting the definition of "Council" in section 2 and by inserting instead the following definition :—	Sec. 2. (Defini- tions.)
25	"Council" means the Library Council of New South Wales constituted under section 3.	
	(ii)	

	Library (Amendment).
	 (ii) by inserting after the definition of "Elector" in section 2 the following definitions :—
5	"Information service" means an information service provided, controlled or man- aged in conjunction with a library or library service.
	"Local authority" means a council under the Local Government Act, 1919.
10 15	"Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a local authority in conjunction with any other person.
	"Member" means a member of the Council
20	(iii) by inserting after the definition of "Regula- tions" in section 2 the following definitions :
	"State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.
25	"State Library" means the State Library of New South Wales.
	(e) by omitting the headings to Part II and by inserting instead the following headings :

PART II.

THE LIBRARY COUNCIL OF NEW SOUTH WALES.

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(f)

(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :----

3. (1) There is hereby constituted a corpora- Constitution under the corporate name of "Library Council tion of Council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(4) In the exercise or performance of any power, authority, duty or function conferred or imposed on it, except when giving advice or making recommendations to the Minister for the purposes of this Act, the Council is subject to the control and direction of the Minister.

4. (1) The Council shall consist of thirteen Appointmembers appointed by the Governor. ment and

procedure.

(2) The Schedule has effect.

The objects of the Council are-4A.

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies;
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

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information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may Powers of Council. exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property.

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

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(8) The Council may borrow money—

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- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

- (g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council";
 - (ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";

 (iii) by omitting from section 5 (1) the words "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

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- (iv) by omitting from section 5 (1) (b) the words "and at least once in each year";
- (v) by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
- (vi) by omitting section 5 (1) (e);
- (vii) by omitting section 5 (2) and by inserting instead the following subsections:—

(2) Subject to this section and section 4B, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds.

(2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired.

(viii) by omitting from section 5 (3) the word "board" and by inserting instead the word "Council";

(ix) by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";

(h) by inserting after section 5 the following section :- Sec. 5A.

5A. The Treasurer may lend moneys to the Treasurer Council upon such terms as to repayment and Council. interest as may be agreed upon.

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(i)

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :---

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament-

- (a) a report of its work and activities during the year that ended on that thirtieth day of June: and
- (b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in accounts. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

(j) by omitting section 7 (2) and by inserting instead sec. 7. the following subsections :---(Officers

and employees.)

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(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

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(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

following Secs. 7A, (k) by inserting after section 7 the 7B. sections :--

7A. (1) The State Librarian is responsible for state the administration and management of the State Librarian. Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control and direction of the Council.

7B. (1) The Council may, by instrument in Delegation writing, delegate to a member or to a person by appointed or employed pursuant to section 7 the exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

Council.

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(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

(1) by inserting after Part II the following Part :---

Part IIA,

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

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7c. On and from the commencement of this Title of section the institution that, immediately before Library. that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales.

statutory fund for the purchase of books, periodi- endow-

cals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual

7D. (1) For the purpose of providing a Annual

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ment.

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(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

7E. (1) The arrangements made and condi-Special tions agreed to by The Trustees of the Public donations. Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

(m) by omitting the headings to Part III and by inserting Headings to instead the following headings : —

PART III.

LOCAL LIBRARIES.

(n) (i) by omitting from section 8 the word "council" Sec. 8.
 wherever occurring and by inserting instead (Adoption of Act.)

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- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";
- (o) by omitting from section 9 the word "councils" and Sec. 9. by inserting instead the words "local authorities"; (Application of Division.)
- (p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements relating to local
 - (ii) by inserting in section 10 (1) before the word libraries.)
 "library" where firstly occurring the word
 "local";
 - (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library";
 - (iv) by inserting after section 10 (1) (c) the following paragraph :---
 - (d) A local authority shall not make a charge that has not been previously approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases.
 - (v) by inserting after section 10 (1) the following subsection :---

(1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter.

(vi) by inserting in section 10 (2) before the word "library" wherever occurring the word "local";

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Library (Amendment). (vii) by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local"; (viii) by inserting in the definition of "Charge" in section 10 (3) before the word "library"

wherever occurring the word "local";

- (q) (i) by omitting from section 11 the word Sec. 11. "council" wherever occurring and by inserting (Library instead the words "local authority"; mittee.)
 - (ii) by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";
- (r) (i) by omitting from section 12 the word Sec. 12. "councils" wherever occurring and by inserting (Agreements relating

relating to local libraries

- (ii) by omitting from section 12 the word libraries.) "council" wherever occurring and by inserting instead the words "local authority";
- (iii) by omitting from section 12 (1) the words "or library services" wherever occurring and by inserting instead the words ", library services or information services";
- (iv) by omitting from section 12 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
- (v) by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";
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(s)
(s) (i) by omitting from section 13 the word "council" Sec. 13. wherever occurring and by inserting instead (Subsidy.) the words "local authority";

- (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
- (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
- (iv) by inserting after section 13 (3) the following subsection :- Deletere

(3A) Where a local authority has failed to comply with the requirement of section 10 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the Minister so directs by order in writing served on the local authority.

(v) by omitting section 13 (5);

(t) (i) by omitting from section 14 (1) the word Sec. 14. "council" and by inserting instead the words (Subsidyhow "local authority";

payable.)

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(ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

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Act No. , 1975.

Library (Amendment).

(u) by inserting after section 14 the following Headings to headings :---

PART IIIA.

REGULATIONS.

- (v) (i) by inserting in section 15 (2) after the word Sec. 15. "made" the words "for or with respect to"; (Regulations.)
 - (ii) by omitting section 15 (2) (a) and by inserting instead the following paragraph :---
 - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act;
 - (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
 - (iv) by omitting from section 15 (2) (f) the word "requiring";
 - (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
 - (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :---
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;

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81	and the	Act 110. , 1975.
		Library (Amendment).
	(vii)	by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
5	one on	by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
10	(ix)	by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
	(x)	by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—
		public;
15		(j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;
20		(k) the management of the various branches or departments of a library;
25		 prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;

- (n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.
- 302-B

(xi)

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(xi) by inserting after section 15 (2) the following subsections :---

(2A) Regulations may be made so as to-

- (a) apply to and in respect of one or more of the following corporations and places—
- bus gaimuooo rever (i) the Council; dil ao
 - (ii) the State Library;

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- (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 (iv) local libraries that are in the
- (iv) local libraries that are in the areas of the local authorities referred to in subparagraph (iii); or
- (b) apply differently according to such factors as may be specified in the regulations.

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(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

) regulating the conduct of the p

- (xii) by omitting from section 15 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- (xiii) by omitting from section 15 (3) the words "police or";

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(xiv) by omitting section 15 (5) and by inserting instead the following subsection :--

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- Schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members-

Composition.

- (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
- (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
- (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
- (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.

25 (2) A person—

(a) who is of or above the age of seventy years;

(b)

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- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
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(c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

10 is not eligible to be appointed a member.

2. (1) In the case of the illness or absence of any member the Appoint-Minister may appoint a person as a deputy to act in the place of the ment of member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is 15 acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not 20 any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the 25 deputy is acting.

3. (1) Subject to subclauses (2) and (3), a member shall hold Term of office for four years.

(2)

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

(3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1 (1).

10 (4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to apply in respect of the apply in respect.

respect of member.

5. A member shall, in his capacity as a member, be paid such Allowances travelling and subsistence allowances as the Minister from time to time for members.

6. The Governor may, for any cause which to him seems sufficient, Removal 20 remove a member from office.

office.

(c)

7. A member shall be deemed to have vacated his office if he-

Vacation of office.

(a) dies;

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(b) resigns his office by writing under his hand addressed to the Minister;

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
- (f) is one of the members appointed pursuant to clause 1 (1)(a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;
 - (g) is removed from office by the Governor; or
 - (h) attains the age of seventy years.
- 8. (1) At the first meeting of the Council, the members shall elect President
 20 from among their number a President and a Deputy President to and Deputy hold office until the next succeeding election of a President and President. Deputy President pursuant to subclause (2).

(2) After the election of a President and Deputy President pursuant to subclause (1), the members shall—

- 25 (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
 - (b) at the first meeting of the Council in July in each succeeding year,

elect

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elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2),
5 the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

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(5) At a meeting of the Council—

(a) the President; or

(b) in the absence of the President-the Deputy President; or

(c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

shall preside.

9. (1) The procedure for the calling of meetings of the Council Procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

informution services";

20 (2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at 25 a meeting of the Council at which a quorum is present is a decision

of the Council.

(4)

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of theCouncil, the member presiding at the meeting has a casting vote inaddition to a deliberative vote.

10. The secretary to the Council-

The secretary.

(a) shall cause minutes of each meeting of the Council to be recorded and preserved; and

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(b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

11. The common seal of the Council shall be kept by the secretary Common to the Council and shall only be affixed to an instrument or document seal. in the presence of—

15 (a) the President; or

(b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

20 6. The Local Government Act, 1919, is amended—

Amendment of Act No. 41, 1919.

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(a) (i) by omitting from section 81A (1) (a) the Sec. 81A.
 words "or library services" and by inserting (Polls in relation to instead the words ", library services or libraries.) information services";

(ii)

 (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";

 (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";

(ii) by inserting at the end of section 357 the following subsection :---

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

15 7. (1) In this section and section 9 "Council", "local Savings, authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

(2) A reference, in any other Act, or in any
 20 regulation, ordinance, by-law or any other instrument or
 document whatever, of the same or a different kind or
 nature—

(a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;

- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

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(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance
5 with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities (athat adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

10 (4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the com-15 mencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

20 (6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State 25 Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the 30 Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

(3)

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(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this Act.

8. (1) On the commencement of this section a person Vacation who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales or as a member of the Library Board of New South Wales 10 shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting of assets.
15 Council of the Library of New South Wales and the Library Board of New South Wales.

(2) On and from the commencement of this section-

- (a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

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(c)

Act No. , 1975.

Library (Amendment).

- (c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council;
- (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;

(f) the Council may enforce and realise any security or charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council;

(g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

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(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

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10 (4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters15 and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975 [32c]

Act. No. 1975

Library (Amendment).

(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shaft be liquidated and unliquidated claims for which the Council shall be liable.

(3) All projecty vested in or belonging to the Council by the operation of subsection (2) (a) shall be bold by the Council subject to any conditions on which it was held immediately before the commencement of this section.

10 (4) No afternment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, manters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters 15 and things not referred to in subsection (2), shall, on and

from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

D WEST, GOVERNMENT PRIMEER N.W. SOUTH MALES 1975 [32c]





PROOF

LIBRARY (AMENDMENT) BILL, 1975

EXPLANATORY NOTE

THE object of this Bill is to replace The Council of the Library of New South Wales and the Library Board of New South Wales with a new statutory corporation to be known as the Library Council of New South Wales (hereinafter referred to as "the Council").

The Bill-

- (a) repeals the Library of New South Wales Act, 1969, and removes from office members of The Council of the Library of New South Wales that was incorporated under that Act;
- (b) removes from office the members of the Library Board of New South Wales and repeals the sections of the Library Act, 1939, providing for that corporation;
- (c) amends the Library Act, 1939, for the purposes of-
 - (i) incorporating the Council;
 - (ii) providing for the nomination and appointment of members and for the procedure of the Council;
 - (iii) stating the objects of the Council;
 - (iv) conferring or imposing certain powers, authorities, duties and functions specified in the Bill upon the Council in relation to the State Library and other libraries, library services and information services provided in conjunction with a library or library service;
 - (v) extending the provisions of the Act relating to the subsidy of local government council libraries and library services to include the subsidy of information services provided through or by a local government council in conjunction with a library or library service;
 - (vi) requiring that any charges made by a local government council for the use of a library, library service or information service must have been previously approved by the Council if the local government council is to be entitled to subsidy under the Act; and
 - (vii) extending the power to make regulations under the Act;
- (d) amends the Local Government Act, 1919, to provide that a council under that Act may provide, control and manage information services in conjunction with a library or library service; and
- (e) makes other provisions of a minor, consequential or ancillary nature.

81761 302--



PROOF

No. , 1975.

A BILL

To dissolve The Council of the Library of New South Wales and the Library Board of New South Wales; to constitute the Library Council of New South Wales and define its powers, authorities, duties and functions; for these and other purposes to repeal the Library of New South Wales Act, 1969, and to amend the Local Government Act, 1919, and the Library Act, 1939; and for purposes connected therewith.

[MR BARRACLOUGH—18 March, 1975.]

BE

81761 302-A

B^E it enacted by the Queen'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 : —

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1. This Act may be cited as the "Library (Amendment) Short title. Act, 1975".

2. (1) This section and section 1 shall commence on Commencethe date of assent to this Act.

10 (2) Section 5 (p) (iii), (p) (iv), (p) (v), (s) (iv) and (v) (vi) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a later day than the day appointed by the Governor pursuant
15 to subsection (3).

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. The Library Act, 1939, is in this Act referred to as Principal the Principal Act.

4. The Library of New South Wales Act, 1969, is Repeal of Act No. 9, 1969.

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Library (Amendment). 5. The Principal Act is amended-Amendment of Act No. 40, 1939. (a) (i) by omitting from the long title the words "and Long title. library services" and by inserting instead the words ", library services and information services"; (ii) by omitting from the long title the words "the Sydney Corporation Act, 1932-1934,"; Sec. 1. (b) by omitting section 1 (3); (Short title.) (c) by inserting after section 1 the following section :- Sec. 1A. 10 1A. This Act is divided as follows :---Division of Act. PART I.—PRELIMINARY—ss. 1-2. PART II.—THE LIBRARY COUNCIL OF NEW SOUTH WALES-SS. 3-7B. PART IIA .--- THE STATE LIBRARY OF NEW SOUTH WALES-SS. 7C-7E. 15 PART III.—LOCAL LIBRARIES—ss. 8-14. PART IIIA.—REGULATIONS—s. 15. PART IV.—Amendments of Local Gov-ERNMENT ACT, 1919-s. 16. SCHEDULE.—COMPOSITION AND PROCE-20 DURE OF THE COUNCIL. (d) (i) by omitting the definition of "Council" in Sec. 2. section 2 and by inserting instead the following (Defini-tions.) definition :---"Council" means the Library Council of New South Wales constituted under section 3.

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(ii)

	Library (Amendment).
	(ii) by inserting after the definition of "Elector" in section 2 the following definitions :—
5	"Information service" means an information service provided, controlled or man- aged in conjunction with a library or library service.
	"Local authority" means a council under the Local Government Act, 1919.
10	"Local library" means a library in an area provided, controlled or managed by a local authority and includes a library provided, controlled or managed pursuant to section 12 and a library provided, controlled or managed by a local authority in conjunction with any
	other person. "Member" means a member of the
	Council
20	(iii) by inserting after the definition of "Regula- tions" in section 2 the following definitions :
	"State Librarian" means the person appointed as State Librarian pursuant to section 7 and a person acting as State Librarian.
25	"State Library" means the State Library of New South Wales.
	(e) by omitting the headings to Part II and by inserting H instead the following headings :

PART II.

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THE LIBRARY COUNCIL OF NEW SOUTH WALES.

eadings Part

(f)

(f) by omitting sections 3 and 4 and by inserting instead Secs. 3-4B. the following sections :---

3. (1) There is hereby constituted a corpora- Constitution under the corporate name of "Library Council tion of Council. of New South Wales".

(2) The Council shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act.

(3) Sections 38 and 39 of the Interpretation Act, 1897, apply to and in respect of the Council as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(4) In the exercise or performance of any power, authority, duty or function conferred or imposed on it, except when giving advice or making recommendations to the Minister for the purposes of this Act, the Council is subject to the control and direction of the Minister.

4. (1) The Council shall consist of thirteen Appointment and members appointed by the Governor.

procedure.

(2) The Schedule has effect.

4A. The objects of the Council are-

Objects of Council.

- (a) to promote, provide and maintain library services and information services for the people of New South Wales through the State Library and through co-operation with local libraries and other libraries and information agencies;
- (b) to advise the Minister, local authorities and, when the Minister so approves, other bodies, on matters of policy and administration relating to library services and

information

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information services that are or may be provided through local libraries or other libraries; and

(c) to advise the Minister on the provision of assistance to local libraries or other libraries.

4B. (1) The Council shall have, and may Powers of council. exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2) Subject to this Act and the regulations, the Council shall have the control and management of all property vested in the Council.

(3) The Council may agree to any condition being imposed on its acquisition of any property

(4) Where, by gift inter vivos, devise or bequest, the Council acquires property without any condition it may retain the property in the form in which it is acquired.

(5) The rule of law relating to remoteness of vesting does not apply to a condition to which the Council has agreed pursuant to subsection (3).

(6) The Stamp Duties Act, 1920, does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the State Library or the Council.

(7) For the temporary accommodation of the Council it may obtain advances by overdraft of current account in any bank or banks to such extent as may from time to time be approved by the Governor.

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(8)

(8) The Council may borrow money-

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- (a) to enable it to exercise and perform its powers, authorities, duties and functions;
- (b) for the renewal of loans; or
- (c) to discharge, wholly or in part, any indebtedness of the Council,

within such limits, to such extent, and upon such conditions as to security or otherwise, as the Governor on the recommendation of the Treasurer may approve.

(9) The Council may establish such committees as it thinks fit for the purpose of assisting it to exercise and perform its powers, authorities, duties and functions.

(10) A person may be appointed to a committee whether or not he is a member of the Council.

(11) The Council may provide, control and manage branches or departments of the State Library.

(g) (i) by omitting from section 5 (1) the word Sec. 5. "board" and by inserting instead the word (Duties of "Council";

(ii) by omitting from section 5 (1) the word "council" wherever occurring and by inserting instead the words "local authority";

 (iii) by omitting from section 5 (1) the words "library and library service" wherever occurring and by inserting instead the words "local library, library service and information service";

(iv)

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(1)

Library (Amendment). (iv) by omitting from section 5(1) (b) the words "and at least once in each year"; (v) by omitting from section 5 (1) (d) (i) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services"; (vi) by omitting section 5 (1) (e); (vii) by omitting section 5 (2) and by inserting instead the following subsections:-(2) Subject to this section and section 4B, the Council shall invest any of its funds not immediately required for the purposes of the Council in any manner authorised by law for the investment of trust funds. (2A) Subject to section 4B (4), the Council shall not deal with any property acquired by gift inter vivos, devise or bequest, or with any real property otherwise acquired, except with the approval of the Governor (which may be given in respect of any case or class of cases) or except in accordance with the condition subject to which the property was acquired. (viii) by omitting from section 5 (3) the word "board" and by inserting instead the word "Council";

- (ix) by omitting from section 5 (3) the words "libraries and library services" and by inserting instead the words "local libraries, library services and information services";
- 30
- (h) by inserting after section 5 the following section :- Sec. 5A.

5A. The Treasurer may lend moneys to the Treasurer may lend to Council upon such terms as to repayment and Council. interest as may be agreed upon.

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(i)

(i) by omitting section 6 and by inserting instead the sec. 6. following sections :---

6. The Council shall cause to be kept proper Accounts books of account relating to the funds and trans- and report. actions of the Council and shall, not later than the thirtieth day of September in each year and as soon as practicable after the preceding thirtieth day of June, prepare and transmit to the Minister for presentation to Parliament—

- (a) a report of its work and activities during the year that ended on that thirtieth day of June; and
- (b) statements of accounts in respect of the year ending on, and made up to, that thirtieth day of June in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Council.

6A. (1) The accounts of the Council shall be Audit of audited by the Auditor-General who shall have in ^{accounts}. respect thereof all the powers conferred on him by law from time to time in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to members of the Council and officers and employees appointed and employed for the purposes of this Act in the same way as it applies to accounting officers of public departments.

(j) by omitting section 7 (2) and by inserting instead Sec. 7. the following subsections :-- (Officers

and employees.)

(3)

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, during their term of office or employment.

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(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian.

7A. (1) The State Librarian is responsible for State the administration and management of the State Librarian. Library and the library services and information services provided in conjunction therewith.

(2) Where library services or information services are provided by the Council through cooperation with local libraries, other libraries (not including the State Library), or information agencies, the State Librarian is, to the extent (if any) to which the conditions subject to which those services are provided so provide, responsible for the administration or management of those services.

(3) The State Librarian shall be the secretary to the Council.

(4) The State Librarian is, in the exercise or performance of his powers, authorities, duties and functions under this Act, subject to the control and direction of the Council.

7B. (1) The Council may, by instrument in Delegation writing, delegate to a member or to a person by appointed or employed pursuant to section 7 the Council. exercise or performance of such of its powers (other than this power of delegation), authorities, duties or functions as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or in part any such delegation.

(2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.

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(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Council and shall be deemed to have been done or suffered by the Council.

Part IIA.

PART IIA.

THE STATE LIBRARY OF NEW SOUTH WALES.

endowment of such amount as Parliament approves.

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7c. On and from the commencement of this Title of section the institution that, immediately before ^{Library}. that commencement, was known as the Library of New South Wales shall be the State Library of New South Wales

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7D. (1) For the purpose of providing a Annual statutory fund for the purchase of books, periodicals, publications and other requirements of the State Library, but exclusive of the payment of working expenses of the State Library, there shall be paid by the Treasurer to the Council, an annual

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(2)

(2) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

7E. (1) The arrangements made and condi-Special tions agreed to by The Trustees of the Public donations. Library of New South Wales with David Scott Mitchell and other persons or their legal representatives, and by The Council of the Library of New South Wales with any persons or their legal representatives, with respect to books, manuscripts, paintings, engravings and other library material handed over or donated by the said David Scott Mitchell or other persons for custody and management either in conjunction with other property of The Trustees of the Public Library of New South Wales or The Council of the Library of New South Wales or separately therefrom shall be carried out and observed by the Council.

(2) Without affecting the generality of section 4B (3), the Council may enter into any such arrangements and agree to such conditions as it may think fit with respect to books, manuscripts, paintings, engravings and other library material handed over to or donated to the State Library for custody or management either in conjunction with other property of the Council or separately therefrom.

(m) by omitting the headings to Part III and by inserting Headings to instead the following headings : —

PART III.

LOCAL LIBRARIES.

(n) (i) by omitting from section 8 the word "council" Sec. 8.
 wherever occurring and by inserting instead (Adoption of Act.)

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(ii)

- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";
- (o) by omitting from section 9 the word "councils" and Sec. 9. by inserting instead the words "local authorities"; (Application of Division.)
- (p) (i) by omitting from section 10 the word "council" Sec. 10. wherever occurring and by inserting instead (Requirements relating to local
 - (ii) by inserting in section 10 (1) before the word libraries.)
 "library" where firstly occurring the word
 "local";
 - (iii) by omitting from section 10 (1) (c) the words "prescribed by" and by inserting instead the words "approved by the Council in respect of the library";
 - (iv) by inserting after section 10 (1) (c) the following paragraph :—
 - (d) A local authority shall not make a charge that has not been previously approved by the Council, which approval the Council is hereby authorised to give so as to apply in any case or class of cases.
 - (v) by inserting after section 10 (1) the following subsection :---

(1A) Nothing in subsection (1) prevents a local authority from making a charge that is less than that approved under subsection (1) in relation to the same matter.

(vi) by inserting in section 10 (2) before the word "library" wherever occurring the word "local";

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		, 1970	
		Library (Amendment).	
	(vii)	by inserting in section (10) (2B) before the word "library" where firstly occurring the word "local";	
5	(viii)	by inserting in the definition of "Charge" in section 10 (3) before the word "library" wherever occurring the word "local";	
	(q) (i)	by omitting from section 11 the word Sec. "council" wherever occurring and by inserting (Lib instead the words "local authority";	orary -
10	(ii)	by omitting from section 11 (1) the words "and library services" and by inserting instead the words ", library services and information services";	
15	(r) (i)	by omitting from section 12 the word Sec. "councils" wherever occurring and by inserting (Ag instead the words "local authorities"; to lo	ree- ts ting
	(ii)	by omitting from section 12 the word libra "council" wherever occurring and by inserting instead the words "local authority";	
20	(iii)	by omitting from section 12 (1) the words "or library services" wherever occurring and by inserting instead the words ", library services or information services";	
25	(iv)	by omitting from section 12 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";	
30	(v)	by omitting from section 12 (4) the word "board" and by inserting instead the word "Council";	

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(s)

- (s) (i) by omitting from section 13 the word "council" Sec. 13.
 wherever occurring and by inserting instead (Subsidy.) the words "local authority";
 - (ii) by omitting from section 13 the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
 - (iii) by omitting from section 13 the words "and library services" wherever occurring and by inserting instead the words ", library services and information services";
 - (iv) by inserting after section 13 (3) the following subsection :---

(3A) Where a local authority has failed to comply with the requirement of section 10 (1) (d) during the year preceding the day on which it lodges an application for subsidy with the Council under section 14, the local authority shall not be eligible for subsidy for the year to which the application relates if the Minister so directs by order in writing served on the local authority.

(v) by omitting section 13 (5);

(t) (i) by omitting from section 14 (1) the word Sec. 14. "council" and by inserting instead the words (Subsidy— "local authority"; payable.)

 (ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

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Act No. , 1975.

Library (Amendment).

(u) by inserting after section 14 the following Headings to headings :---

PART IIIA.

REGULATIONS.

- (v) (i) by inserting in section 15 (2) after the word Sec. 15. "made" the words "for or with respect to"; (Regulations.)
 - (ii) by omitting section 15 (2) (a) and by inserting instead the following paragraph :—
 - (a) the management and control of the State Library and local libraries that are in the areas of local authorities that have adopted this Act and have not revoked the adoption of this Act;
 - (iii) by omitting from section 15 (2) (d) the word "councils" and by inserting instead the words "local authorities";
 - (iv) by omitting from section 15 (2) (f) the word "requiring";
 - (v) by inserting in section 15 (2) (f) after the word "article" the words "and the payment of compensation, whether by reference to the value of the book or article or to any other prescribed matter, for any such loss or injury";
 - (vi) by omitting section 15 (2) (h) and by inserting instead the following paragraph :---
 - (h) the making of charges in prescribed cases for the use of a library, library service or information service and the granting of approval by the Council to any such charge;
 - (vii)

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- (vii) by omitting from section 15 (2) (i) the word "board" wherever occurring and by inserting instead the word "Council";
- (viii) by omitting from section 15 (2) (i) the word "council" wherever occurring and by inserting instead the words "local authority";
- (ix) by omitting from section 15 (2) (i) the words "or library service" wherever occurring and by inserting instead the words ", library service or information service";
- (x) by omitting from section 15 (2) (i) the word "public." and by inserting instead the following word and paragraphs :—

public;

- (j) the admission or exclusion of the public or any person to or from a library or any branch or department or part thereof;
- (k) the management of the various branches or departments of a library;
- prescribing the conditions subject to which the use or reading of books or manuscripts of a library or the loan thereof or the making of copies or extracts therefrom may be allowed;
- (m) regulating the conduct of the proceedings of the Council, including the times, places and conduct of its meetings; and
- (n) the perusal and examination of books, manuscripts, paintings, engravings and other library material referred to in section 7D.

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(xi)

(xi) by inserting after section 15 (2) the following subsections :---

(2A) Regulations may be made so as to-

- (a) apply to and in respect of one or more of the following corporations and places—
 - (i) the Council;
 - (ii) the State Library;
 - (iii) local authorities that have adopted this Act and have not revoked the adoption of this Act; and
 - (iv) local libraries that are in the areas of the local authorities referred to in subparagraph (iii); or
 - (b) apply differently according to such factors as may be specified in the regulations.

(2B) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

- (xii) by omitting from section 15 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- (xiii) by omitting from section 15 (3) the words "police or";
- (xiv) by omitting section 15 (5) and by inserting instead the following subsection :--

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(i) life word

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(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(w) by inserting after Part IV the following Schedule: --- schedule.

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

1. (1) Of the members—

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Composition.

(b)

- 10 (a) one shall be an officer of the Department of Culture, Sport and Recreation nominated by the Minister;
 - (b) one shall be an officer of the Department of Education nominated by the Minister for Education;
 - (c) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, local government;
 - (d) two shall be persons nominated by the Minister for their knowledge of, and experience relating to, universities, colleges of advanced education or such historical or archival bodies as the Minister thinks fit; and
- 20 (e) seven shall be persons nominated by the Minister after he has consulted such persons, authorities, organisations or associations as he thinks fit.

(2) A person-

(5)

(a) who is of or above the age of seventy years;

(b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(c) who is a bankrupt, is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his creditors, or whose allowances would, upon his appointment, be subject to an assignment for their benefit,

10 is not eligible to be appointed a member.

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2. (1) In the case of the illness or absence of any member the Appoint-Minister may appoint a person as a deputy to act in the place of the ment of member during his illness or absence.

(2) A deputy appointed under this clause shall, while he is 15 acting as a deputy, have all the powers and authorities of a member.

(3) A deputy appointed under this clause may, if the Minister thinks fit, be paid such travelling and subsistence allowances as the Minister may determine from time to time.

(4) No person shall be concerned to inquire whether or not 20 any occasion has arisen requiring or authorising a person to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the member for whom the 25 deputy is acting.

3. (1) Subject to subclauses (2) and (3), a member shall hold Term of office for four years.

(2)

(2) Seven of the first thirteen members to be appointed under section 4 shall be appointed to hold office for two years commencing on and including the day appointed by the Governor pursuant to section 2 (3) of the Library (Amendment) Act, 1975.

- 5 (3) Where there is a vacancy in the office of a member caused otherwise than by the expiration of his term of office, the Governor may appoint a person to fill the vacant office, for the residue of the term of office of his predecessor, so that the Council is constituted as provided by clause 1 (1).
- 10 (4) A member whose term of office expires may, if he is otherwise eligible, be re-appointed as a member.

4. The provisions of the Public Service Act, 1902, do not apply to Certain or in respect of the appointment of a member and a member is not, enactments in his capacity as a member, subject to the provisions of that Act not to 15 during his term of office. apply in

respect of member.

5. A member shall, in his capacity as a member, be paid such Allowances travelling and subsistence allowances as the Minister from time to time for members. determines in respect of that member.

6. The Governor may, for any cause which to him seems sufficient, Removal 20 remove a member from office. from office.

7. A member shall be deemed to have vacated his office if he-

Vacation 25 of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

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- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, or estate, for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) is absent from three consecutive ordinary meetings of the Council of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the latest of those meetings excused by the Council for his absence from the meetings;
 - (f) is one of the members appointed pursuant to clause 1 (1)
 (a) or (b) and ceases to hold the qualification by virtue of which he was so appointed;
 - (g) is removed from office by the Governor; or
 - (h) attains the age of seventy years.
- 8. (1) At the first meeting of the Council, the members shall elect President
 20 from among their number a President and a Deputy President to and Deputy hold office until the next succeeding election of a President and President. Deputy President pursuant to subclause (2).

(2) After the election of a President and Deputy President pursuant to subclause (1), the members shall—

- 25 (a) at the first meeting of the Council in the year commencing on the first day of July next following that election; and
 - (b) at the first meeting of the Council in July in each succeeding year,

elect

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elect a President and a Deputy President to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of President or Deputy President otherwise than by the operation of subclause (2), the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to subclause (2).

(4) A retiring President or Deputy President is, while he remains a member of the Council, eligible for re-election as President or Deputy President.

10 (5) At a meeting of the Council—

- (a) the President; or
- (b) in the absence of the President-the Deputy President; or
- (c) in the absence of both the President and Deputy President a chairman elected by members present at the meeting from among their number,

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shall preside.

9. (1) The procedure for the calling of meetings of the Council Procedure, and the conduct of business at those meetings shall, subject to this quorum, Schedule and any regulation, be as determined by the Council.

20 (2) Five members constitute a quorum for the purposes of any meeting of the Council.

(3) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council and the decision of the majority of the members present at 25 a meeting of the Council at which a quorum is present is a decision of the Council.

(4)

(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(5) Where there is an equality of votes at a meeting of the Council, the member presiding at the meeting has a casting vote in addition to a deliberative vote.

10. The secretary to the Council-

The secretary.

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- (a) shall cause minutes of each meeting of the Council to be recorded and preserved; and
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(b) is entitled to be present at each meeting of the Council and to be heard by the Council on any matter considered by the Council.

11. The common seal of the Council shall be kept by the secretary Common to the Council and shall only be affixed to an instrument or document seal. in the presence of—

15 (a) the President; or

(b) any two members,

and the secretary to the Council with an attestation by the signatures of the persons present as required by this clause of the fact and date of the affixing of the seal.

20 6. The Local Government Act, 1919, is amended—

Amendment of Act No. 41, 1919.

(a) (i) by omitting from section 81A (1) (a) the Sec. 81A.
 words "or library services" and by inserting (Polls in relation to instead the words ", library services or libraries.) information services";

(ii)

- (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";
- (b) (i) by omitting from section 357 the words "and Sec. 357. library services" and by inserting instead the (Libraries.) words ", library services and information services";
 - (ii) by inserting at the end of section 357 the following subsection :---

(2) In this section, "information service" means an information service provided, controlled or managed in conjunction with a library or library service.

15 7. (1) In this section and section 9 "Council", "local Savings, authority", "local library", "State Librarian" and "State and other Library" have respectively the meanings ascribed thereto in provisions. section 2 of the Principal Act, as amended by this Act.

(2) A reference, in any other Act, or in any20 regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature—

> (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or The Council of the Library of New South Wales shall be read as a reference to the Council;

- (b) to the Principal Librarian of the Public Library of New South Wales shall be read as a reference to the State Librarian; and
- (c) to the Public Library of New South Wales or the Library of New South Wales shall be read as a reference to the State Library.

(3)

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Act No. , 1975.

Library (Amendment).

(3) Subject to subsection (4), regulations made under the Principal Act and in force immediately before the commencement of this section, shall, on and from that commencement, be deemed to have been made in accordance
5 with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of local authorities that adopt or have adopted the Principal Act and have not revoked the adoption of that Act and local libraries that are in the areas of those local authorities.

10 (4) The regulations made under the Principal Act and published in Gazette No. 47 of 21st March, 1940, are revoked.

(5) A by-law made under the Library of New South Wales Act, 1969, and in force immediately before the com-15 mencement of this section, shall, on and from that commencement, be deemed to be a regulation made in accordance with the Principal Act, as amended by this Act, and to have been so made as to apply to and in respect of the Council and the State Library.

20 (6) On the commencement of this section the officer who, immediately before that commencement, was known as the Principal Librarian of the Library of New South Wales shall be deemed to have been appointed under section 7 of the Principal Act, as amended by this Act, as the State 25 Librarian.

(7) Officers and employees appointed or employed under the Library of New South Wales Act, 1969, shall be deemed to have been appointed or employed under the Principal Act, as amended by this Act, and the repeal of the 30 Library of New South Wales Act, 1969, shall not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under the Public Service Act, 1902, the Superannuation Act, 1916, or any other Act, award or industrial agreement.

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(8)

(8) No subsidy is payable to a local authority under the Principal Act in respect of the year commencing 1st January, 1975, or in respect of any subsequent year except a subsidy payable under the Principal Act, as amended by this Act.

8. (1) On the commencement of this section a person Vacation who, immediately before that commencement, held office as a member of The Council of the Library of New South Wales or as a member of the Library Board of New South Wales

10 shall cease to hold his office.

(2) A person who ceases to hold his office by the operation of subsection (1) is not entitled to be paid any compensation by reason of his ceasing to hold his office.

9. (1) In this section, "former bodies" means The Vesting of assets.
15 Council of the Library of New South Wales and the Library Board of New South Wales.

(2) On and from the commencement of this section-

(a) subject to subsection (3), all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to either of the former bodies shall vest in and belong to the Council;

(b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by either of the former bodies shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Council;

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(c)

Act No. , 1975.

Library (Amendment).

- (c) all proceedings commenced before that commencement by either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Council:
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council:
- (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of this Act;
- (f) the Council may enforce and realise any security or 25 charge existing immediately before that commencement in favour of either of the former bodies and may exercise any powers thereby conferred on either of the former bodies as if the security or charge were a security or charge in favour of the Council:
 - (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, either of the former bodies shall be debts due by, moneys payable by and claims recoverable against, the Council; and

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(h) all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Council shall be liable.

(3) All property vested in or belonging to the Council by the operation of subsection (2) (a) shall be held by the Council subject to any conditions on which it was held immediately before the commencement of this section.

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10 (4) No attornment to the Council by a lessee from either of the former bodies shall be required.

(5) All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this section, being acts, matters15 and things not referred to in subsection (2), shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1975

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