

LIBRARY (AMENDMENT) ACT.

New South Wales



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

Library (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 41, 1975 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) Act, 1975". Short title.

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

(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.

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

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 The Library of New South Wales Act, 1969, is repealed.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

5.

*Library (Amendment).***No. 41, 1975** 5. The Principal Act is amended—

Amend-
ment of
Act No. 40,
1939.

Long
title.

- (a) (i) by omitting from the long title the words “and 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.
(Short
title.)

- (b) by omitting section 1 (3);

Sec. 1A.

- (c) by inserting after section 1 the following section :—

Division
of Act.

1A. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–2.

PART II.—THE LIBRARY COUNCIL OF NEW SOUTH WALES—*ss.* 3–7B.

PART II*A.*—THE STATE LIBRARY OF NEW SOUTH WALES—*ss.* 7C–7E.

PART III.—LOCAL LIBRARIES—*ss.* 8–14.

PART III*A.*—REGULATIONS—*s.* 15.

PART IV.—AMENDMENTS OF LOCAL GOVERNMENT ACT, 1919—*s.* 16.

SCHEDULE.—COMPOSITION AND PROCEDURE OF THE COUNCIL.

Sec. 2.
(Defini-
tions.)

- (d) (i) by omitting the definition of “Council” in section 2 and by inserting instead the following definition :—

“Council” means the Library Council of New South Wales constituted under section 3.

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- (ii) by inserting after the definition of "Elector" in No. 41, 1975 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.

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

PART II.

THE LIBRARY COUNCIL OF NEW SOUTH WALES.

(f)

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Secs. 3-4B.

Constitu-
tion of
Council.

(f) by omitting sections 3 and 4 and by inserting instead the following sections :—

3. (1) There is hereby constituted a corporation under the corporate name of "Library 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.

Appoint-
ment and
procedure.

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

(2) The Schedule has effect.

Objects of
Council.

4A. The objects of the Council are—

(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 **No. 41, 1975**
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.

(8)

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(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.

Sec. 5.
(Duties of Council.)

- (g) (i) by omitting from section 5 (1) the word "board" and by inserting instead the word "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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- (iv) by omitting from section 5 (1) (b) the words No. 41, 1975 "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 ^{may lend to} interest as may be agreed upon. Council.

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Sec. 6.

Accounts
and report.

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

6. The Council shall cause to be kept proper books of account relating to the funds and transactions 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.

Audit of
accounts.

6A. (1) The accounts of the Council shall be audited by the Auditor-General who shall have in 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.

Sec. 7.
(Officers
and
employees.)

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

(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)

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(3) One of the officers appointed by the Governor pursuant to this section shall be appointed as State Librarian. No. 41, 1975

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

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. State Librarian.

(2) Where library services or information services are provided by the Council through co-operation 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. Delegation
by
Council.

(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.

Part IIa.

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

PART IIa.

THE STATE LIBRARY OF NEW SOUTH WALES.

Title of Library.

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

Annual endowment.

7D. (1) For the purpose of providing a 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 endowment of such amount as Parliament approves.

(2)

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(2) Any moneys payable by the Treasurer **No. 41, 1975** 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. **Special donations.**

(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 Part III.** 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.)** the words "local authority";

(ii)

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- (ii) by omitting from section 8 the word "board" wherever occurring and by inserting instead the word "Council";

Sec. 9.
(Applica-
tion of
Division.)

- (o) by omitting from section 9 the word "councils" and by inserting instead the words "local authorities";

Sec. 10.
(Require-
ments
relating
to local
libraries.)

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

- (ii) by inserting in section 10 (1) before the word "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)

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- (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 "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)

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Sec. 13.
(Subsidy.)

- (s) (i) by omitting from section 13 the word "council" wherever occurring and by inserting instead 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);

Sec. 14.
(Subsidy—
how
payable.)

- (t) (i) by omitting from section 14 (1) the word "council" and by inserting instead the words "local authority";
- (ii) by omitting from section 14 the word "board" wherever occurring and by inserting instead the word "Council";

(u)

Library (Amendment).

- (u) by inserting after section 14 the following No. 41, 1975
headings :—

Headings to
Part IIIA.

PART IIIA.

REGULATIONS.

- (v) (i) by inserting in section 15 (2) after the word Sec. 15.
“made” the words “for or with respect to”; (Regula-
tions.)
- (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;

(l) 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)

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(xi) by inserting after section 15 (2) the following No. 41, 1975 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).

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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.

Schedule.

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

SCHEDULE.

COMPOSITION AND PROCEDURE OF THE COUNCIL.

**Composi-
tion.**

1. (1) Of the members—

- (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)

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(b) who is a temporary patient, a continued treatment patient, **No. 41, 1975** 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.

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. **deputy.**

(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.

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

(2)

Library (Amendment).

No. 41, 1975 (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.

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

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

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

Vacation of office. 7. A member shall be deemed to have vacated his office if he—

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

(c)

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- (c) becomes bankrupt, applies to take the benefit of any law No. 41, 1975 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 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

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No. 41, 1975 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.

**Procedure,
quorum,
etc.**

9. (1) The procedure for the calling of meetings of the Council and the conduct of business at those meetings shall, subject to this 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)

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(4) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting. **No. 41, 1975**

(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 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.

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

Amendment
of Act No.
41, 1919.

- (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”; **Sec. 81A. (Polls in relation to libraries.)**

(ii)

Library (Amendment).

No. 41, 1975 (ii) by omitting from section 81A (1) (d) the words "and library services" and by inserting instead the words ", library services and information services";

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

Savings, transitional and other provisions. 7. (1) In this section and section 9 "Council", "local authority", "local library", "State Librarian" and "State Library" have respectively the meanings ascribed thereto in 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 No. 41, 1975 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)

Library (Amendment).

No. 41, 1975 (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.

Vacation of offices. 8. (1) On the commencement of this section a person 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.

Vesting of assets. 9. (1) In this section, "former bodies" means The 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)

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)

Library (Amendment).

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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.

(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.