

LIBRARY (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 81, 1977.

An Act to amend the Library Act, 1939, to enable the Library Council of New South Wales to establish and maintain investment pools; to provide for the settlement of certain disputes; and to vary the membership of the Library Council. [Assented to, 20th October, 1977.]

BE

Library (Amendment).

BE 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) Act, 1977". Short title.

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

(2) Except as provided in subsection (1), 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 amended in the manner set forth in Schedule 1. Amendment of Act No. 40, 1939.

4. (1) In this section—

"appointed day" means the day appointed and notified under section 2 (2);

"Library Council" means the Library Council of New South Wales constituted under the Library Act, 1939.

Savings and transitional provision—
constitution of the Library Council.

(2) The member of the Library Council who was appointed under clause 1 (1) (a) of the Schedule to the Library Act, 1939, as in force immediately before the appointed day and who held office immediately before that day shall be deemed to have vacated his office on that day.

(3)

Library (Amendment).

(3) The member of the Library Council who was appointed under clause 1 (1) (b) of the Schedule to the Library Act, 1939, as in force immediately before the appointed day and who held office immediately before that day shall, notwithstanding section 3 and Schedule 1 (8) but subject to the Library Act, 1939, remain in office for the balance of the term for which he was appointed.

Sec. 3.**SCHEDULE 1.****AMENDMENTS TO THE LIBRARY ACT, 1939.****(1) (a) Section 2, definition of "Book"—**

After the definition of "Board", insert:—

"Book" includes periodical, newspaper and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any other matter or thing whereby words, sounds or images are recorded or reproduced.

(b) Section 2, definition of "Investment pool"—

After the definition of "Information service", insert :—

"Investment pool" means an investment pool established by the Council under section 5c (1).

SCHEDULE

Library (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIBRARY ACT, 1939—*continued.*

(2) Sections 5B–5E—

After section 5A, insert :—

5B. The terms of any instrument creating a trust with respect to a fund held by the Council shall have effect notwithstanding sections 5C and 5D. Trust instruments apply notwithstanding ss. 5C, 5D.

5C. (1) The Council may establish and maintain one or more investment pools for the collective investment of funds held by the Council whether or not those funds are, or any of those funds is, subject to a trust. Investment pools.

(2) The Council may from time to time bring into or withdraw from an investment pool the whole or any part of any fund referred to in subsection (1).

(3) Notwithstanding subsections (1) and (2), the Council shall not bring into or retain in an investment pool the whole or any part of a fund subject to a trust if the investments in which the capital of the investment pool is invested are not investments made in accordance with and subject to the Trustee Act, 1925, or any other Act authorising the investment of trust funds.

5D. (1) The Council shall, at the time the whole or any part of a fund referred to in subsection (2) (a) is withdrawn from an investment pool, and, in any event, at least once a year, distribute the income of an investment pool. Distribution of income of investment pools.

SCHEDULE

Library (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIBRARY ACT, 1939—*continued.*

(2) Where the Council distributes the income of an investment pool under subsection (1)—

- (a) it shall, in respect of a fund the subject of a trust which specifies that the income from the investment of that fund shall be applied for a purpose other than the general purposes of the State Library, credit the income of that investment pool to the account kept by it in respect of that fund proportionately according to the value of that fund or part at the date of distribution and the period for which that fund or part has formed part of the capital of that investment pool; and
- (b) it may, in respect of a fund, other than a fund referred to in paragraph (a), credit the income of that investment pool to any account kept by it.

Nature of funds not affected by pooling.

5E. The inclusion in an investment pool of the whole or any part of a fund held by the Council does not affect—

- (a) the identity of that fund or part; or
- (b) any trust to which that fund or part is subject.

(3) Section 7 (1)—

Omit “as amended by subsequent Acts,”.

(4) Section 10 (3), definition of “Book”—

Omit the definition.

SCHEDULE

Library (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIBRARY ACT, 1939—*continued.*

(5) (a) Section 12 (4)—

Omit “, and in the event of any dispute the adjustment shall, on the application of any of the local authorities, be made by an arbitrator appointed by the Council”.

(b) Section 12 (5)—

After section 12 (4), insert :—

(5) It shall be a term of every agreement made under this section, whether the agreement is made before or after the day appointed and notified under section 2 (2) of the Library (Amendment) Act, 1977, that any dispute arising under the agreement shall, on the application to the Council of a party to that agreement, be settled by arbitration by an arbitrator appointed by the Council.

(6) Section 13 (3)—

Omit “board”, insert instead “Council”.

(7) (a) Section 16 (2)—

Omit “subsequent Acts, including”.

(b) Section 16 (3)—

Omit “as amended by subsequent Acts,” where firstly occurring.

(c) Section 16 (3)—

Omit “subsequent Acts, including”.

SCHEDULE

Library (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIBRARY ACT, 1939—*continued.*

(8) (a) Schedule, clause 1 (1) (a) and (b)—

Omit the paragraphs.

(b) Schedule, clause 1 (1) (e)—

Omit “seven”, insert instead “nine”.

(c) Schedule, clause 7 (f)—

Omit the paragraph.
