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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1934.

# A BILL

To reduce the number of Trustees of the Public Library and the National Art Gallery respectively; to make certain provisions relating to officers and servants of the Public Library and National Art Gallery respectively; to validate certain matters; to amend the Library and Art Gallery Act, 1899, in these and certain other respects; and for purposes connected therewith.

**B**E it enacted by the King'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. (1) This Act may be cited as the "Library and Art Gallery (Amendment) Act, 1934," and shall be read and construed with the Library and Art Gallery Act, 1899, which Act is in this Act referred to as the Principal Act. Short title.

*Library and Art Gallery (Amendment).*

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Principal Act, as amended by this Act, may be cited as the Library and Art Gallery Act, 1899-1934.

2. The Principal Act is amended—

Amendment of Act No. 54, 1899.

(a) by omitting section one and by inserting in lieu thereof the following new section:—

Sec. 1.

1. (1) The powers conferred by this Act on the trustees are hereby vested in eleven trustees, consisting of—

Trustees to be governing body of Library.

- (a) the Chancellor or acting Chancellor for the time being of the University of Sydney;
- (b) the Permanent Head for the time being of the Department of Public Instruction;
- (c) three Professors of the said University, who shall be appointed by the Governor upon the recommendation of the Senate of the said University; and
- (d) six other persons appointed by the Governor.

But so long as the number of trustees exceeds five the powers conferred by this Act may be exercised by the trustees for the time being holding office.

(2) Notwithstanding the provisions of subsection one of this section the trustees of the library holding office at the commencement of the Library and Art Gallery (Amendment) Act, 1934, shall continue to be the trustees.

In the case of a vacancy in the office of a trustee held by a professor recommended by the said Senate the vacancy shall be filled by the appointment of another professor on the same recommendation.

In the case of a vacancy in the office of a trustee appointed by the Governor not being a professor recommended by the said Senate no appointment

appointment shall be made to fill the vacancy if such appointment would cause the number of such trustees to exceed six.

George Ross Thomas, Esquire, shall vacate his office when he ceases to be the Permanent Head of the Department of Public Instruction.

(3) A trustee appointed by the Governor shall cease to hold office on reaching the age of seventy years and shall not be eligible for re-appointment. This subsection shall not apply to any person holding office as a trustee at the commencement of the Library and Art Gallery (Amendment) Act, 1934.

(4) The Chancellor or Acting Chancellor for the time being of the University of Sydney may by writing under his hand depute any person to act for him in the trust. Such deputy may sit and vote at any meeting of the trust in place of the Chancellor or Acting Chancellor who has appointed him and shall be deemed to be a trustee for the purposes of section six of this Act.

- (b) by omitting section two; Sec. 2.  
(First trustees.)
- (c) by omitting from section three the words "The present president, the said James Norton," and by inserting in lieu thereof the words "The president holding office at the commencement of the Library and Art Gallery (Amendment) Act, 1934"; Sec. 3.  
(Vacancies in the office of president.)
- (d) by inserting at the beginning of section five the words "Subject to the provisions of section one"; Sec. 5.  
(Vacancies in the office of trustee.)
- (e) by inserting at the end of section six the words "notwithstanding that there may be vacancies in the offices of trustees"; Sec. 6.  
(Quorum.)
- (f) by omitting section nine and by inserting in lieu thereof the following new section:— Sec. 9.
  - 9. (1) The Governor may appoint such officers of the library as he may deem necessary. Officers and servants.

*Library and Art Gallery (Amendment).*

(2) Such officers shall be appointed under and be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts. Temporary employees may be employed pursuant to such Act.

(g) (i) by omitting from paragraph (b) of section thirteen the words " and the control of the officers and servants connected therewith "; Sec. 13. (By-laws.)

(ii) by omitting from the same section the words " Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law ";

(h) by omitting from section sixteen the words " Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law." Sec. 16. (Special donations.)

**3. (1) The Principal Act is further amended—**

Further amendment of Act No. 54, 1899.

(a) by omitting section eighteen and by inserting in lieu thereof the following new section:— Sec. 18.

18. (1) The powers conferred by this Act on the trustees are hereby vested in eleven trustees consisting of the Permanent Head for the time being of the Department of Public Instruction and ten other persons appointed by the Governor; but so long as the number of trustees exceeds five, the powers conferred by this Act may be exercised by the trustees for the time being holding office. Trustees of National Art Gallery.

(2) A trustee shall cease to hold office on reaching the age of seventy years and shall not be eligible for re-appointment.

(3) Notwithstanding the provisions of subsection one of this section the trustees of the gallery holding office at the commencement of the Library and Art Gallery (Amendment) Act,

Act, 1934, and the Permanent Head of the Department of Public Instruction, shall continue to be trustees.

George Ross Thomas, Esquire, shall vacate his office when he ceases to be the Permanent Head of the Department of Public Instruction.

No appointment shall be made by the Governor of any person to the office of trustee if such appointment would cause the number of trustees to exceed eleven.

Subsection two of this section shall not extend to any person holding office as a trustee at the commencement of the Library and Art Gallery (Amendment) Act, 1934.

- (b) by inserting at the beginning of section nineteen the words "Subject to the provisions of section eighteen"; Sec. 19.  
(Vacancies.)
- (c) (i) by omitting from section twenty-one the word "Four" and by inserting in lieu thereof the word "Three"; Sec. 21.  
(Quorum.)
- (ii) by inserting at the end of the same section the words "notwithstanding that there may be vacancies in the offices of trustees";
- (d) by omitting section twenty-four and by inserting in lieu thereof the following new section:— Sec. 24.
  - 24. (1) The Governor may appoint such officers of the gallery as he may deem necessary. Officers and servants.
  - (2) Such officers shall be appointed under and be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts. Temporary employees may be employed pursuant to such Act.
- (e) (i) by omitting from paragraph (b) of section twenty-seven the words "and the control of the officers and servants connected therewith"; Sec. 27.  
(By-laws, etc.)
- (ii) by omitting the words "Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law";

(f)

(f) by omitting from section thirty the words " Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law ";

Sec. 30.  
(Special  
donations.)

(g) by inserting next after section thirty-two the following new section:—

New s. 32A.

32A. (1) Penalties not exceeding *twenty* pounds may be imposed by the by-laws for any breach thereof.

By-laws.

(2) Any by-law made pursuant to this Act shall—

- (a) be submitted to the Governor for his approval;
- (b) when approved by the Governor, be published in the Gazette;
- (c) take effect from the date of such publication or from a later date to be specified in the by-laws;
- (d) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

(2) By-laws in force immediately prior to the commencement of this Act and made pursuant to any section of the Principal Act shall, save so far as they relate to the control of the officers and servants connected with the library or with the gallery, continue in force until repealed by by-laws made after such commencement.

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(3) The officers and servants connected with the library or with the gallery whether appointed before or after the commencement of this Act shall be deemed to be officers and servants under the Public Service Act, 1902, as amended by subsequent Acts.

**4.** No action done or purporting to be done by either the trustees of the Public Library or the trustees of the National Art Gallery prior to the commencement of this Act shall be deemed to be invalid on the ground that at the time of such action there was a vacancy in the office of any trustee. Validation.