



ANNO DECIMO

**GEORGII VI REGIS.**

A.D. 1946.

\*\*\*\*\*

**No. 39 of 1946.**

An Act to amend the Libraries and Institutes  
Act, 1939.

[Assented to 19th December, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Libraries and Institutes Act Amendment Act, 1946".

(2) The Libraries and Institutes Act, 1939, as amended by this Act, may be cited as the "Libraries and Institutes Act, 1939-1946".

(3) The Libraries and Institutes Act, 1939, is hereinafter referred to as "the principal Act".

Amendment of  
principal Act,  
s. 109—  
Sale to council.

2. Section 109 of the principal Act is amended by inserting after the word "institute" in the second line thereof the words "(other than moneys of the institute or any bonds, inscribed stock or other securities of the institute in which any moneys of the institute are invested)".

Enactment of  
ss. 109a and  
109b of  
principal Act—

3. The following sections are enacted and inserted in the principal Act after section 109 thereof :—

Power to  
transfer  
property to  
council  
without  
consideration.

109a. (1) The trustees of an institute may, without the payment of valuable consideration by the council, convey or transfer the real and personal property of the institute (other than the moneys of the institute or any bonds, inscribed stock or other securities of the institute in which moneys of the institute are invested) to the council of the area in which the institute building is situated, and the council may accept the same upon such terms and conditions as are agreed.

(2) No such conveyance or transfer shall be made unless—

- (a) a resolution approving thereof has been carried at a general meeting of the members of the institute called to consider the matter, and has been confirmed at a subsequent general meeting of members held not less than seven days nor more than one month after the date of the aforementioned meeting and called for the purpose of considering the confirmation of the resolution ;
- (b) a report in writing by the council of the association in favour of the conveyance or transfer has been submitted to the Minister ; and
- (c) the Minister has, after the receipt of the report, consented to the conveyance or transfer by notice in writing.

109b. (1) If the real and personal property of any institute has been conveyed or transferred to a council pursuant to section 109 or section 109a, the trustees of the institute may from time to time pay over to the council any moneys of the institute or assign to the council any of the bonds, inscribed stock, or other securities of the institute upon such conditions as are agreed upon for the use thereof by the council for the benefit of the institute.

Power to pay over money or securities to council.

(2) No such moneys shall be paid over or bonds, inscribed stock or securities assigned as aforesaid unless—

- (a) a resolution approving the transaction has been carried at a general meeting of the members of institute called to consider the matter, and has been confirmed at a subsequent general meeting of members held not less than seven days nor more than one month after the date of the aforementioned meeting and called for the purpose of considering the confirmation of the resolution ;
- (b) the council of the association is satisfied that the transaction will be to the benefit of the institute and a report in writing by the council of the association in favour of the transaction has been submitted to the Minister ; and
- (c) the Minister has, after the receipt of the report, consented to the transaction by notice in writing.

Consequential  
amendments  
of principal #  
Act.

4. (1) Section 110 of the principal Act is amended by striking out the words "the next preceding section" in the third line thereof and by inserting in lieu thereof the words "section 109, section 109a, or section 109b".

(2) Section 112 of the principal Act is amended by inserting after "109" in the second line thereof the words ", section 109a or section 109b".

(3) Section 116 of the principal Act is amended—

(a) by inserting after the figure "109" in the second line thereof the words "or if the property of an institute is conveyed or transferred pursuant to section 109a," ;

(b) by striking out the word "purchased" in the third line thereof and by inserting in lieu thereof the words "conveyed or transferred".

(4) Section 117 of the principal Act is amended by inserting after the word "purchased" in the second line thereof the words "or otherwise acquired".

(5) Section 118 of the principal Act is amended by inserting after the word "purchased" in the second line thereof the words "or otherwise acquired".

(6) The heading to Division VI of Part V of the principal Act is amended by striking out the word "Sale" therein and by inserting in lieu thereof the word "Transfer".

(7) Section 4 of the principal Act is amended by striking out the word "Sale" in the twenty-second line thereof and by inserting in lieu thereof the word "Transfer".

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.