



ANNO QUINQUAGESIMO OCTAVO ET QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1895.

No. 621.

An Act to amend the "Public Library, Museum, and Art Gallery Act, 1883-4," and "The Institutes Amendment Act, 1888."

[Assented to, October 22nd, 1895.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Public Library, Museum, and Art Gallery Act, 1895," and, except so far as inconsistent therewith, shall be incorporated and read as one with the Public Library, Museum, and Art Gallery Acts, 1883-4 and 1885, and "The Institutes Amendment Act, 1888," and shall be divided into two parts, that is to say—

Short title and incorporation.

Part I.—The delegation by an Institute to its Committee of Management of the power to vote on behalf of such Institute for the election of members of the Board:

Part II.—Powers of an Institute under "The Institutes Amendment Act, 1888," to make rules for its government.

2. In the construction of this Act the words "Institute" and "Board" shall have the meanings ascribed to them in the "Public Library, Museum, and Art Gallery Act, 1883-4," and the word "Institute" shall, in addition to such meaning, include an Institute which has sold and transferred its property to a Municipal Corporation or District Council under the provisions of "The Institutes Amendment Act, 1888."

Definition.

PART

The Public Library, Museum, and Art Gallery Act.—1895.

PART I.

Institutes may delegate power to elect members of the Board.

3. Any Institute may delegate to its Committee of Management the right to take part in, and the power to vote on behalf of such Institute for, the election of members of the Board by the Institutes.

Delegation, how to be made.

4. The delegation referred to in the preceding section shall be made by a resolution in the form prescribed in the first part of the Schedule hereto, passed at an ordinary or extraordinary general meeting of the subscribers to the Institute summoned and held according to the rules for the time being in force for the government of such Institute; and for which meeting notice shall have been given, setting forth the intention to propose such resolution.

Copy of resolution to be sent to the Board.

5. A copy of the resolution referred to in the preceding section shall be forthwith sent to the Board, authenticated by the certificate of the chairman of the meeting at which it was passed and the secretary of the Institute. Such certificate shall be in the form prescribed in the second part of the Schedule hereto.

Committee to act and vote at elections.

6. In the event of the subscribers to an Institute availing themselves of the power of delegation conferred upon them by this Act, the Committee of Management of such Institute shall take part in the election or elections of and vote on behalf of such Institute for members of the Board to be elected by the Institutes under the provisions of the "Public Library, Museum, and Art Gallery Act, 1883-4," and such voting shall be conducted in the manner prescribed by the rules and regulations contained in the third part of the Schedule hereto, or by such other rules and regulations as may from time to time be made by the Board, and which the Board is hereby empowered to make, in addition to or substitution for or in amendment of those rules and regulations.

Rescission of delegation.

7. The resolution referred to in clause 4 hereof shall remain in force until rescinded by a resolution passed at an ordinary or extraordinary general meeting of the subscribers to the Institute, summoned and held according to the rules for the time being in force for the government of such Institute.

PART II.

Section 9 of "The Institutes Amendment Act, 1888," repealed.

8. Section 9 of "The Institutes Amendment Act, 1888," is hereby repealed, but such repeal shall not affect the validity of any regulations already made thereunder.

Institute under Institutes Amendment Act, 1888, may make rules.

9. An Institute which has availed itself of the provisions of "The Institutes Amendment Act, 1888," shall have power, under section 5 of "The Public Library, Museum, and Art Gallery Act, 1885," to make, alter, rescind, and amend rules for its government, subject nevertheless to the restrictions imposed by that section; and such

PART I.

PART II.

The Public Library, Museum, and Art Gallery Act.—1895.

such rules and every alteration and amendment thereof shall be of no force or effect until after the same have been approved by the Governor, and a notification of such approval has appeared in the *Government Gazette*, but afterwards shall have the force of law.

PART II.

To be approved by the Governor.

10. The Committee of an Institute may from time to time make, alter, rescind, and amend by-laws for the conduct of its own proceedings and for the regulation of all matters which it may be necessary or convenient to regulate in connection with the management of the Institute. Such by-laws shall not be inconsistent with any of the rules for the time being in force for the government of the Institute, neither shall they require approval by the Governor in order to give them force and effect.

Committee may make by-laws for conduct of proceedings and management of Institute.

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

S. J. WAY, Lieutenant-Governor.

THE SCHEDULE REFERRED TO.

THE FIRST PART.

FORM OF RESOLUTION.

The Public Library, Museum, and Art Gallery of South Australia.

That the _____ Institute hereby delegates to its Committee of Management for the time being the right to take part in and vote, on behalf of the Institute, for the election of members of the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia by the Urban, Suburban, and Country Institutes.

[*The terms of the resolution as prescribed must be adhered to.*]

[*N.B.—This resolution will remain in force until duly rescinded; see section 7 of the Act.*]

THE SECOND PART.

CERTIFICATE OF THE PASSING OF THE RESOLUTION.

The Public Library, Museum, and Art Gallery of South Australia.

The _____ Institute.

At an ordinary (*or* extraordinary) general meeting of the subscribers to the above-named Institute, summoned and duly held according to the rules for the time being in force for the government of the Institute, on the _____ day of _____, 189 _____, the following resolution was duly passed, namely:—

[*The resolution as prescribed in the first part of this schedule.*]

Dated this _____ day of _____ 189 _____,
 _____, Chairman of the Meeting.
 _____, Secretary of the above Institute.

THE THIRD PART.

RULES AND REGULATIONS FOR THE ELECTION OF MEMBERS OF THE BOARD BY AN INSTITUTE WHICH HAS DELEGATED ITS RIGHT OF VOTING TO ITS COMMITTEE OF MANAGEMENT.

The Public Library, Museum, and Art Gallery of South Australia.

1. In the construction of these rules and regulations the word "Institute" shall mean an Urban, Suburban, and Country Institute, which has delegated its right of voting for members of the Board to its Committee of Management.

2. On or before the twenty-fifth day of September in each year the secretary of the Board shall forward to the secretary of each Institute entitled to take part in the election of members of the Board a circular, in form A in the appendix hereto, giving notice that an election of members of the Board will be held on the twenty-fifth day of October then next, or on some other day to be determined by the Board and named in the circular, and enclosing a voting-paper in the form B in the appendix hereto, to be filled in and signed by the chairman of the committee and secretary of such Institute in the manner hereinafter directed.

The Public Library, Museum, and Art Gallery Act.—1895.

3. In the month of October in each year, the Committee of Management of every Institute entitled to take part in the election of members of the Board shall hold a meeting for the purpose of exercising the right of taking part in and voting on behalf of such Institute at the election of members of the Board, and such meeting shall be specially convened for that purpose.

4. At such meeting, or any adjournment, the committee shall select three persons as the persons for whom such committee, on behalf of such Institute, votes as members of the Board to be elected by the Institutes; and the chairman of such committee shall forthwith fill in the name of the Institute, the date on which the committee meeting was held, and the names of the three candidates for membership on the Board for whom the committee, on behalf of the Institute, votes, and the chairman of the committee and the secretary shall sign the voting-paper referred to in paragraph 2 hereof, and return the same to the secretary of the Board, so that it may be received by him in Adelaide on or before the twenty-fifth day of October then next.

5. If, from any cause whatever, the voting-paper of any committee shall not be received by the secretary of the Board by the twenty-fifth day of October, or if the voting-paper when received shall not comply with the provisions of the Public Library, Museum, and Art Gallery Acts and these regulations, and with the instructions contained in the circular mentioned in paragraph 2 hereof, such committee and the Institute which it represents shall be deemed to have failed to exercise the right to vote at the election of the members of the Board for the year.

6. The Board shall decide, and their decision shall be final, if the committee of any Institute has from any cause whatsoever failed to exercise its right of voting on behalf of the Institute which it represents.

7. Each voting-paper sent by an Institute under these rules shall be accepted and treated by the Board as a voting-paper under the rules and regulations made by the Board on the nineteenth day of July, 1889, or any rules and regulations which may hereafter be made in amendment of or substitution therefor, and shall be reckoned accordingly.

8. These rules and regulations shall apply to the election of any member of the Board by the committee of an Institute to fill a casual vacancy caused by the death or resignation of any member of the Board elected by the Institutes; but the Board shall, in the case of a casual vacancy, fix the time within which such vacancy shall be filled and the date whereon the Board shall meet to declare the election, and shall also appoint the day on or before which the committees entitled to take part in the election shall exercise their right of voting and the time within which the voting-papers shall be returned to the secretary of the Board.

9. In the event of an election by committees to fill a casual vacancy the Board shall have power to fix and determine any date, act, matter, or thing which may be necessary or expedient to enable the committees to exercise their right of voting on behalf of the Institutes which they represent. The secretary of the Board shall, before forwarding the circulars and voting-papers to the committee entitled to take part in the election, fill in the dates fixed by the Board for the objects aforesaid, and may make all such alterations or additions in or to the form of the circular and voting-paper as the Board may direct.

APPENDIX.

FORM A.

Public Library, Museum, and Art Gallery of South Australia.

Adelaide,

189 .

Sir—I have the honor, by direction of the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia, to inform you that on October 1st proximo

governors, elected by the Urban, Suburban, and Country Institutes will retire from office by effluxion of time, but are eligible for re-election, and that an election will be held on the _____ day of _____ next.

I send you herewith a voting-paper, in order that the Committee of Management of the Institute may, if such Institute is qualified, vote for the election of three Governors of the Public Library, &c., for the year 18____, as provided by the Public Library, Museum, and Art Gallery Act (No. 296 of 1883-4, section 7), the Public Library, Museum, and Art Gallery Act, 1895, the rules and regulations made by the Board on the nineteenth day of July, 1889, and those contained in the Third Schedule to the latter Act.

You

The Public Library, Museum, and Art Gallery Act.—1895.

You will observe that, by section 7 of the Public Library, &c., Act, an Institute is only entitled to vote if, during the year previous to the election, it has had not less than twenty members who have paid up their subscriptions, and that the voting-paper contains a certificate that such is the case, to be signed by the chairman of the committee and secretary of the Institute. Institutes which have not had the number of members required by the Act are not to return the voting-paper.

Your attention is particularly directed to the rules and regulations contained in the third part of the Schedule to "The Public Library, Museum, and Art Gallery Act, 1895," from which you will learn how the committee of an Institute to which has been delegated the Institute's right to vote for members of the Board is to exercise that right, and so record the vote of the Institute which it represents.

The voting-paper, properly filled up and signed, must be returned soon enough to allow of it being received by me on or before October 25th next. If this is not done the Institute will lose its vote.

I have the honor to remain, sir,

Your obedient servant,

, General Director and Secretary.

The Secretary of the

Institute.

FORM B.

VOTING-PAPER.

[For the election of three governors by the Urban, Suburban, and Country Institutes.]
Public Library, Museum, and Art Gallery of South Australia.

We, the chairman of the Committee of Management and secretary of the Institute, do hereby certify that the said Institute has had during the preceding year twenty members at the least who have paid up their subscriptions for the twelve months preceding the* day of 189 .

And we further certify that, at a meeting of the Committee of Management of the said Institute held on* , the said committee selected the undermentioned three persons as the persons for whom the said committee votes on behalf of the said Institute.

Names.	Addresses.

Dated this day of , 189 .

, Chairman of the Committee of the Institute.
, Secretary of the said Institute.

Received by me,

Secretary Public Library, Museum, and Art Gallery of South Australia.

/ / .

*At these two places fill in the date of the committee meeting at which the voting takes place.

[N.B.—This voting-paper must be returned so that it may be received by the General Director and Secretary, Public Library, Museum, and Art Gallery of South Australia, on or before October 25th.]