



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2229.

An Act to amend the Public Library, Museum, and Art Gallery, and Institutes Acts, 1909 to 1925.

[*Assented to, 5th December, 1935.*]

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

1. (1) This Act may be cited as the "Public Library, Museum, and Art Gallery, and Institutes Act, 1935". Short titles.

(2) The Public Library, Museum, and Art Gallery, and Institutes Acts, 1909 to 1925, and this Act may be cited together as the "Public Library, Museum, and Art Gallery, and Institutes Acts, 1909 to 1935".

(3) The Public Library, Museum and Art Gallery, and Institutes Act, 1909, is hereinafter referred to as "the principal Act". No. 983 of 1909.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 13 of the principal Act is amended by inserting after the word "member" first occurring in the sixth line thereof the words "Provided that a casual vacancy in the office of an elected member elected by the association or the council may be filled by the election of a member by the council." Amendment of principal Act, s. 13—
Casual vacancies on board.

*Public Library, Museum, and Art Gallery, and Institutes
Act.—1935.*

Amendment of
principal Act,
s. 20b—
Reward.

4. Section 20b of the principal Act (as enacted by section 3 of the Public Library, Museum, and Art Gallery, and Institutes Act Amendment Act, 1922) is amended by inserting after the word "paid" in the seventh line of subsection (2) the words "or promised or engaged to be paid".

Amendment of
principal Act,
s. 44—

5. Section 44 of the principal Act is amended so as to read as follows :—

Definition of
"institute".

44. In this Act, unless the subject matter or the context requires a different construction, "institute" means an association of persons (other than an association formed for the purposes of private profit for its members) one of the purposes of which is the provision of a library from which books are lent to the members, and which is an institute included for the time being in the eighth schedule.

Amendment of
principal Act—

6. The principal Act is amended by inserting therein after section 46 the following sections :—

Provision as to
incorporated
institutes.

46a. Notwithstanding the incorporation of any institute pursuant to the Associations Incorporation Act, 1890, or the Associations Incorporation Act, 1929, and notwithstanding any of the provisions of those Acts, the property of any such incorporated institute shall be vested in the trustees appointed by the institute as provided by this Act, and the provisions of this Act with respect to the property of the institute, the management of the said property, and the management of the institute shall apply to the institute and the provisions of the said Acts relating to the said matters shall cease to apply to every such institute.

The sealholders of any such incorporated institute holding office at the time of the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, shall, on complying with the provisions of section 53, be deemed to be trustees of the institute for the purposes of this Act, and shall continue in that office as provided by and subject to this Act.

It shall not be necessary with respect to any such incorporated institute to comply with the provisions of section 54, and notwithstanding the provisions of The Real Property Act, 1886, the trustees of any such institute in respect of whom a memorial has been filed under section 53, may execute any document registrable under The Real Property Act, 1886, in respect of any real property of the institute whether the real property is vested in the trustees or in the corporation, and the Registrar-General shall, without requiring compliance with section 54, register any such document if otherwise it complies with the law relating to such registration.

Public Library, Museum, and Art Gallery, and Institutes Act.—1935.

46b. No member of any institute or any trustee or member of the committee thereof shall be under any personal liability to any person having any claim of any kind against the institute or against any such member or trustee as such arising after the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, except as expressly provided by the rules of the institute: Provided that this section shall not apply to any claim arising out of any mortgage or charge of institute property granted before the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935.

Liability of members.
Cf. 2196, 1934, s. 401.

7. Section 50 of the principal Act is amended by adding thereto the following subsection :—

Amendment of principal Act, s. 50—
Resignation of trustees.

(3) A trustee may by notice filed in the office of the Registrar of Companies resign his office.

8. Section 55 of the principal Act is amended—

Amendment of principal Act, s. 55—
Returns.

- (a) by striking out the words “ Minister, or to such person as is from time to time appointed by the Minister in that behalf ” in subsection (1) thereof, and by inserting in lieu thereof the word “ council ” ; and
- (b) by striking out the words “ in the month of January ” in subsection (2) thereof, and by inserting in lieu thereof the words “ before the last day of February ”.

9. Section 57 of the principal is amended—

Amendment of principal Act, s. 57—
Accounts.

- (a) by striking out the words “ Minister, furnish to the Minister, or to such person as is from time to time appointed by the Minister in that behalf ” and by inserting in lieu thereof the words “ council, furnish to the council ” ; and

(b) by adding at the end thereof the following paragraph :—

iv. such other information relating to the institute as the council requires.

10. The principal Act is amended by inserting therein after section 60 the following new section :—

Amendment of principal Act—

60a. A copy of every rule and every by-law of an institute, and of every alteration or rescission thereof shall within one month after the making thereof be deposited by the committee of the institute with the council.

Rules and by-laws.

11. The principal Act is amended by inserting therein after section 61 the following section :—

Amendment of principal Act—

61a. (1) The council may require the accounts of any institute to be audited at any time the council thinks fit.

Audit of institute accounts.

Public Library, Museum, and Art Gallery, and Institutes Act.—1935.

(2) For the said purpose the council may arrange with the Auditor-General or any person holding a local government auditor's certificate pursuant to the Local Government Act, 1934, to conduct the audit (which in the case of the Auditor-General may be conducted by any of his officers) and may pay such fee as is agreed for the conduct of the audit.

(3) The committee and trustees of the institute and all officers thereof shall produce and lay before the person conducting the audit the accounts of the institute, together with proper vouchers in support of the same, and all books, papers, and writings in their custody or power and they shall answer all inquiries put to them by the said person relating to the accounts.

(4) The person conducting the audit shall on the conclusion thereof make a report to the council and the institute on the accounts and any matters arising out of the audit.

(5) The council may in any court of competent jurisdiction recover from the institute any fees paid by the council for the carrying out of the audit.

Amendment of
principal Act,
s. 63—
Mortgage of
property.

12. Section 63 of the principal Act is amended—

(a) by inserting in subsection (1) thereof before paragraph (a) the following paragraph :—

(aa) of acquiring land for the purposes of the institute :

(b) by adding at the end of paragraph (c) of subsection (1) thereof the words “ or of paying off any overdraft at any bank which was incurred before the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, for the purposes of the institute and whether secured by any of the assets of the institute or not”.

(c) by inserting after subsection (3) thereof the following subsection :—

(3a) The consent of the Minister shall not be given except on a report in writing of the council in favour of the making of the mortgage or charge.

Repeal of
principal Act,
s. 64.

13. Section 64 of the principal Act is repealed.

Amendment of
principal Act,
s. 74—
Sale of
property.

14. Section 74 of the principal Act is amended—

(a) by striking out the words “ and personal ” wherever they occur in subsection (1) thereof ;

Public Library, Museum, and Art Gallery, and Institutes Act.—1935.

- (b) by striking out the passage “ (not including books as defined by section 76) ” in subsection (1) thereof ; and
- (c) by inserting after subsection (2) thereof the following subsection :—

(2A) The provisions of subsection (2) shall not apply to the letting of any shop or other premises constructed for the purpose of being let for business purposes, nor to the letting of premises habitually used for business purposes and not used for the purposes of the institute.

15. Section 75 of the principal Act is amended by inserting therein after the word “ institute ” in the fourth line thereof the words “ in paying off or reducing any mortgage or charge on the real property of the institute, in paying off any overdraft at any bank which was incurred before the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, for the purposes of the institute and whether secured by any of the assets of the institute or not, or in the making of improvements or additions to any real property of the institute ”.

Amendment of principal Act, s. 75—
Application of purchase-money.

16. Section 76 of the principal Act is amended—

- (a) by striking out the word “ books ” in the fourth line thereof and by inserting in lieu thereof the words “ personal property ” ;
- (b) by striking out the word “ books ” in paragraph (b) of subsection (1) and by inserting in lieu thereof the words “ personal property ” ;
- (c) by striking out the word “ books ” in the fourth to last line and the penultimate line of subsection (1) thereof and by inserting in lieu thereof in each case the words “ personal property ” ;
- (d) by inserting after the word “ books ” in the last line of subsection (2) thereof the words “ or other personal property ” ;
- (e) by striking out subsection (3) thereof ; and
- (f) by striking out the word “ books ” in the last line thereof and by inserting in lieu thereof the words “ personal property ”.

Amendment of principal Act, s. 76—
Dealings with personal property.

17. Section 79 of the principal Act is amended—

- (a) by striking out the word “ five ” occurring in the third and twelfth lines thereof, and by inserting in each case in lieu thereof the word “ ten ” ;

Amendment of principal Act s. 79—
Dissolution.

*Public Library, Museum, and Art Gallery, and Institutes
Act.—1935.*

(b) by striking out the words “one year” in the first line of subsection (3) thereof and by inserting in lieu thereof the words “three months”; and

(c) by striking out the words “or other institutions connected with education” in the penultimate line thereof.

Amendment of
principal Act,
s. 89.

18. Section 89 of the principal Act is amended by striking out the words “more than seven nor” in the sixth line thereof.

Amendment of
principal Act,
s. 103—

19. Section 103 of the principal Act is amended so as to read as follows :—

Constitution of
association.

103. (1) The association shall consist of the institutes for the time being included in the eighth schedule.

(2) All such institutes included as aforesaid shall be members of the association.

(3) The Governor may by proclamation made on the recommendation in writing of the council include any institute in the said schedule.

(4) The Governor may by proclamation made on the like recommendation remove any institute from the said schedule.

Amendment of
principal Act,
s. 106—

20. Section 106 of the principal Act is amended so as to read as follows :—

Consideration
by council.

106. If an institute complies with the provisions of sections 104 and 105, the council shall at its first meeting held after the receipt by the secretary of the council of the copy of the resolution and statement referred to in section 105, recommend to the Governor the making of a proclamation under section 103 to include the institute in the eighth schedule.

Amendment of
principal Act,
s. 107—
Annual
meeting.

21. Section 107 of the principal Act is amended by striking out the word “March” in the second line thereof and by inserting in lieu thereof the word “September”.

Repeal of
principal Act,
ss. 117 and
118—

22. Sections 117 and 118 of the principal Act are repealed and the following sections are enacted in lieu thereof :—

Constitution
of council.

117. (1) The council shall consist of twelve members.

(2) Seven members shall be appointed by the association at the annual meeting or at any adjournment thereof in manner prescribed by regulation made by the council.

(3) Five members shall be appointed by the Governor.

(4) Only members of member institutes may be appointed by the association to be members of the council.

Public Library, Museum, and Art Gallery, and Institutes Act.—1935.

(5) Not more than one member of any institute shall hold an appointment by the association as a member of the council at the same time. If at any election of members of the council more than one member of any institute is nominated for election by the association, or is elected by the association, the chairman of the meeting shall decide by lot which of the members so nominated or elected shall retire.

(6) The members of the council in office at the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, shall, subject to this Act, continue in office until the expiration of the term of office for which they were appointed.

118. The President and Vice-President of the council shall in every year be elected by ballot by and from the members of the council at the first ordinary meeting of the council held after the appointment thereof.

President and
Vice-President

23. Section 119 of the principal Act is amended by striking out the words "Association at any meeting" in the fourth and fifth lines thereof and by inserting in lieu thereof the word "council".

Amendment of
principal Act
s. 119—
Casual
vacancies.

24. Section 123 of the principal Act is amended by inserting therein after paragraph II. the following paragraphs:—

Amendment of
principal Act,
s. 123.

IIa. For prescribing the method of appointment of members of the council by the association and the method of election of members of the board by the association and the council:

IIb. For prescribing the method of conducting ballots for the appointment of President and Vice-President of the council:

25. Section 133 of the principal Act is amended so as to read as follows:—

Amendment of
principal Act,
s. 133—

133. (1) The publisher of every book which is first published in South Australia after the passing of the Public Library, Museum, and Art Gallery, and Institutes Act, 1935, shall within one month after the publication deliver, at his own expense, a copy of the book to the board and also to the librarian of the library of the Parliament of South Australia, who in each case shall give a written receipt for it. In the case of any periodical publication it shall be sufficient if a receipt is given in the month of January for all copies thereof delivered to the board or the said librarian during the period of twelve months ending on the preceding thirty-first day of December.

Delivery of
copies of books
published in
South Australia.
Cf. 95, 1878,
ss. 15 and 16½

*Public Library, Museum, and Art Gallery, and Institutes
Act.—1935.*

(2) The copies delivered to the board and the said librarian shall be copies of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published and bound, sewed, or stitched together, and on the best paper on which the book is printed.

(3) If a publisher fails to comply with this section, he shall be guilty of an offence and liable to a penalty not exceeding five pounds and the value of the book.

If any such conviction is imposed by reason of the non-delivery of any book to the board, the penalty and any other amount ordered to be paid by the court before which the publisher is convicted shall be paid to the board.

(4) For the purposes of this section the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, map, plan, chart, or table, separately published, but does not include any second or subsequent edition of a book unless that edition contains additions or alterations, either in the letterpress or in the maps, prints, or other engravings belonging thereto or any book published by or on behalf of the Government of the State or any Government department.

Amendment of
principal Act—
Fourth
Schedule.

26. The fourth schedule to the principal Act is amended by inserting after paragraph II. thereof the following paragraph :—

IIA. The committee may, at their discretion, refuse to permit any subscriber to renew his subscription.

Amendment of
principal Act.

27. The principal Act is amended by inserting therein at the end thereof the following schedule :—

THE EIGHTH SCHEDULE.

INSTITUTES ADMITTED TO MEMBERSHIP OF THE ASSOCIATION.

Alawoona	Balaklava	Brighton
Aldgate	Balhannah	Brinkworth
Aldinga	Barmera	Broadview
Alford	Beachport	Bugle
Ambleside	Berri	Burra
American River	Birdwood	Bute
Angaston	Blyth	
Appila	Booborowie	Caliph
Ardrossan	Booleroo Centre	Caltowie
Ashbourne	Bordertown	Cambrai
Athelstone	Borrika	Carrieton
Auburn	Bridgewater	Ceduna

*Public Library, Museum, and Art Gallery, and Institutes
Act.—1935.*

Clare	Gulnare	Maitland
Clarence Park	Gumeracha	Mallala
Clarendon		Malpas
Clements Gap	Hallett	Mannum
Cleve	Hamley Bridge	Manoora
Cobdogla	Hanson	Marama
Cockburn	Hawker	Marmon Jabuk
Colonel Light Gardens	Hilton	Meadows
Coobowie	Hindmarsh	Melrose
Coomandook	Hope Valley	Meningie
Coonalpyn	Hoyleton	Meribah
Coromandel Valley	Iron Knob	Middleton
Cradock		Milang
Crafers	Jamestown	Millicent
Crystal Brook		Mindarie
Cummins	Kadina	Minlaton
Curramulka	Kalangadoo	Mintaro
Currency Creek	Kangarilla	Mitcham
	Kapunda	Modbury
Darkes Peak	Karoonda	Montacute
Dublin	Keith	Monteith
	Keith Sheridan	Moonta
Eastern District (St. Morris)	(Lower North Adelaide)	Moonta Mines
Echunga	Kensington and Norwood	Moorak
Eden Valley		Morchard
Edithburgh	Kersbrook	Morgan
Edwardstown	Keyneton	Morphett Vale
Elliston	Kimba	Mount Barker
Enfield	Kingscote	Mount Bryan
Eurelia	Koolunga	Mount Gambier
	Kyancutta	Mount Pleasant
Farrells Flat		Mundalla
Frances	Lacepede Bay	Murray Bridge
Franklin Harbour	Lameroo	Murraytown
Freeling	Laura	Mylor
	Lipson	Mypolonga
Gawler	Littlehampton	Myponga
Gaza	Lone Gum	
Georgetown	Long Plains	Nadda
Geranium	Longwood	Nairne
Gladstone	Loxton	Naracoorte
Glencoe	Lucindale	Narridy
Glenelg	Lyndoch	Noarlunga
Glen Osmond	Lyrup	North Adelaide
Glossop		Nuriootpa
Goodwood	Macclesfield	
Goolwa	McLaren Vale	One Tree Hill
Grange	District	Orroroo
Greenock	Magill	Owen

*Public Library, Museum, and Art Gallery, and Institutes
Act.—1935.*

Parilla	Seaton Park	Victor Harbour
Parkside and Eastwood	Sedan	Virginia
Parrakie	Smithfield	
Paruna	Snowtown	
Payneham	South Western	Waikerie
Peake	Memorial (West- bourne Park)	Walkerville
Penneshaw	Spalding	Walleroo
Penola	Springs (Hundred of Young)	Walleroo Mines
Peterborough	Springton	Wall Flat
Pinnaroo	Stansbury	Wanbi
Pooraka	Stirling West	Warnertown
Port Adelaide	Stockport	Warooka
Port Augusta	Stockwell	Warradale
Port Broughton	Strathalbyn	Wasleys
Port Elliot	Streaky Bay	Watervale
Port Germein	Summertown	Wauraltee
Port Lincoln	Swan Reach	West Croydon and Kilkenny
Port MacDonnell		Whyalla
Port Noarlunga		Whyte Yarcowie
Port Pirie	Tailem Bend	Wild Horse Plains
Port Victoria	Taldra	Williamstown
Port Vincent	Tantanoola	Willunga
Port Wakefield	Tanunda	Wilmington
Prospect	Taplan	Windsor
	Tarcowie	Winkie
Quorn	Tarlee	Wirrabara
	Tea Tree Gully	Wolseley
Ramco	Terowie	Woodside
Redhill	Thebarton	Woodville
Rendlesham	Tintinara	
Renmark	Truro	
Riverton	Tumby Bay	Yacka
Robe	Tweedvale	Yaninee
	Two Wells	Yankalilla
Saddleworth		Yongala
St. Peters	Unley	Yorketown
Salisbury	Uraidla	Yurgo

Amendment of
1925, 1926,
a. 3.

28. Section 3 of the Public Library, Museum, and Art Gallery, and Institutes Act, 1925, is amended by adding at the end of the definition of "Public documents" the following words:—"or of any corporate or unincorporate body which is or has been subsidised by the Government. The term also includes any documents deposited with the Registrar of Companies pursuant to section 297 of The Companies Act, 1934".

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

W. DUGAN, Governor.