

Libraries (Amendment) Act 1992

No. 7 of 1992

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Victoria

No. 7 of 1992

Libraries (Amendment) Act 1992

[Assented to 5 May 1992]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purposes*

The purposes of this Act are to amend the **Museums Act 1983** and the **Libraries Act 1988**—

- (a) to transfer the Museum land from the Council of the Museum of Victoria to the Council of the State Library of Victoria; and
- (b) to amend provisions relating to re-appointment to the Council of the Museum and to the Council of the State Library; and
- (c) to provide that the Council of the Museum may make by-laws; and
- (d) to make minor miscellaneous amendments.

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2. Commencement

- (1) This Act (except section 11) comes into operation on a day to be proclaimed.
- (2) Section 11 is deemed to have come into operation on 1 July 1983.

PART 2—TRANSFER OF MUSEUM LAND

3. Repeal of Museum land references

The Museums Act 1983 is amended as follows:

- (a) In section 9 the definition of "Museum land" is repealed;
- (b) In section 15 (3) (c) after "nominee" insert "who shall be the chairman of the Committee";
- (c) Section 27 is repealed;
- (d) Sections 34 (1), (3), (4), (5) and (6) are repealed;
- (e) In section 34 (2), for "pursuant to sub-section (1)" substitute "on the appointed day";
- (f) The Second Schedule is repealed.

No. 9903 as amended by Nos 10087, 50/1988, 60/1988, 12/1989 and 57/1989.

No. 60/1988.

4. Transfer of Museum land

After section 52 of the Libraries Act 1988 insert—

"52A. Land to vest in the Council

- (1) The permanent reservation of the land shown hatched on the plan in the Schedule is revoked.
- (2) The land shown hatched on the plan in the Schedule—
 - (a) is divested from the Council of the Museum of Victoria and ceases to be under its management and control; and
 - (b) vests in the Crown; and
 - (c) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

- (3) The land shown hatched on the plan in the Schedule is to be taken to be permanently reserved for the purposes of a public library under section 4 (1) of the **Crown Land (Reserves) Act 1978**.
- (4) Despite sub-section (3), nothing in this Act prevents the Council of the Museum of Victoria from continuing to use the land referred to in sub-section (3) or any building or part of a building on that land for the purposes of a public museum.
- (5) The management of the land shown hatched on the plan in the Schedule is vested in the Council of the State Library of Victoria.
- (6) No compensation is payable by the Crown in respect of anything done under or arising out of this section.

52B. Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court from awarding compensation in respect of anything done under or arising out of section 52A.”.

5. Regulations and by-laws

- (1) In section 52 (1) of the **Libraries Act 1988**—
 - (a) after “by-laws” insert “not inconsistent with the regulations”;
 - (b) after paragraph (b) insert—

“; and
 - (c) the care, protection and management of land and buildings or parts of buildings owned or under the management or control of the Council, and the safeguarding of the contents of those buildings against theft or damage; and

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(d) the preservation of good order and decency on land and in buildings or parts of buildings owned or under the management or control of the Council.”

(2) For section 53 (1) of the **Libraries Act 1988** substitute—

“(1) The Governor in Council may make regulations for or with respect to—

(a) in relation to Crown land reserved under the **Crown Land (Reserves) Act 1978**, anything for or in respect of which the Council as trustee could make regulations under section 13 (1) of that Act; and

(b) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.”

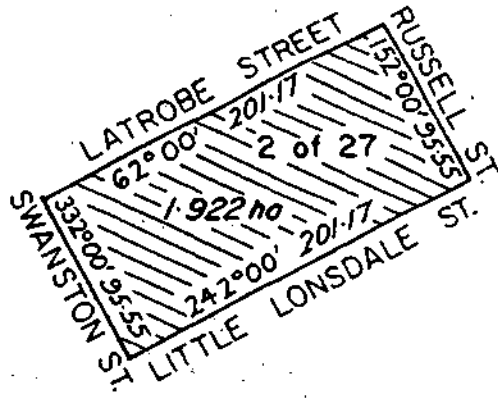
6. Insertion of Schedule

After section 56 of the **Libraries Act 1988** insert—

“**SCHEDULE**

Section 52A.

Land at Melbourne, Parish of Melbourne North, which shall be taken to have been permanently reserved for the purposes of a public library under section 4 (1) of the **Crown Land (Reserves) Act 1978**.



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PART 3—MISCELLANEOUS AMENDMENTS

7. Council of the Museum

For section 11 (6) of the Museums Act 1983 substitute—

“(6) A person who has been a member of the Council for 9 consecutive years ceases to hold office and is not eligible for re-appointment unless—

- (a) the person is, or immediately before the expiry of the ninth consecutive year the person was, the President; or
- (b) a period of 3 years or more has elapsed since the person last was a member of the Council.”.

8. Council of the State Library

For section 23 (2) of the Libraries Act 1988 substitute—

“(2) A person who has been a member of the Council for 9 consecutive years ceases to hold office and is not eligible for re-appointment unless—

- (a) the person is, or immediately before the expiry of the ninth consecutive year the person was, the President; or
- (b) a period of 3 years or more has elapsed since the person last was a member of the Council.”.

9. Amendment of Division heading

In the heading to Division 6 of Part III of the Museums Act 1983, after “REGULATIONS” insert “AND BY-LAWS”.

10. Regulations and by-laws

For section 31 of the Museums Act 1983 substitute—

“31. *Regulations*

- (1) The Governor in Council may make regulations for or with respect to—

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- (a) in relation to Crown land reserved under the **Crown Land (Reserves) Act 1978**, anything for or in respect of which the Council as trustee could make regulations under section 13 (1) of that Act; and
 - (b) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations may impose penalties not exceeding 2 penalty units for a contravention of the regulations.
 - (3) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the **Subordinate Legislation Act 1962**.
 - (4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962**.

31A. Council may make by-laws

- (1) The Council may make by-laws not inconsistent with the regulations for or with respect to—
 - (a) regulating or prohibiting admission to or removal from any building or part of a building managed or controlled by the Council; and
 - (b) the preservation, inspection, copying or lending of specimens, exhibits, equipment, data pertaining to the collections, publications or other objects or things under the control of the Council; and
 - (c) the care, protection and management of land and buildings or parts of buildings owned or under the management or control of the Council, and the

safeguarding of the contents of those buildings against theft or damage; and

(d) the preservation of good order and decency on land and in buildings or parts of buildings owned or under the management or control of the Council.

(2) The by-laws may impose penalties not exceeding 2 penalty units for a contravention of the by-laws.”.

11. Statute law revision

The Museums Act 1983 is amended as follows:

- (a) Section 1 (3) is repealed;
- (b) In section 4 (8) (g) for “Council” substitute “Board”;
- (c) In clause 15 of the First Schedule, for “1982” substitute “1981”.

NOTES

1. *Minister's second reading speech—*

Legislative Assembly: 26 November 1991

Legislative Council: 7 April 1992

2. The long title for the Bill for this Act was “A Bill to amend the Libraries Act 1988 and the Museums Act 1983 and for other purposes.”.

3. **Constitution Act 1975:**

Section 85 (5) statement:

Legislative Assembly: 26 November 1991

Legislative Council: 7 April 1992

Absolute majorities:

Legislative Assembly: 25 March 1992

Legislative Council: 28 April 1992.

4. Section headings appear in bold italics and are not part of the Act. (See Interpretation of Legislation Act 1984).