



ANNO DECIMO QUARTO

GEORGI VI REGIS.

A.D. 1950.

No. 18 of 1950.

An Act to amend the Libraries and Institutes Act, 1939-1948.

[Assented to 2nd November, 1950.]

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, 1950 ".

(2) The Libraries and Institutes Act, 1939-1948, as amended by this Act, may be cited as the " Libraries and Institutes Act, 1939-1950 ".

(3) The Libraries and Institutes Act, 1939-1948, is hereinafter referred to as " the principal Act ".

Amendment of
principal Act,
s. 5—
Interpretation.

2. Section 5 of the principal Act is amended by adding at the end of the definition of " council " therein the words " and includes the Renmark Irrigation Trust ".

Amendment of
principal Act,
s. 65—
Powers of
inspection.

3. Section 65 of the principal Act is amended by inserting after the word " association " in the first line thereof the words " , the secretary to the association, ".

Amendment of
principal Act,
ss. 67 and
68—

4. (1) Section 67 of the principal Act is amended so as to read as follows :—

Incorporation
of institutes.

67. An institute may be incorporated pursuant to the Associations Incorporation Act, 1929-1935.

(2) Section 68 of the principal Act is amended by striking out subsections (1) and (2) thereof and by inserting in lieu thereof the following subsections :—

(1) The provisions of the Associations Incorporation Act, 1929-1935, shall apply with respect to the vesting of the property of any institute incorporated under that Act.

(2) Subject to the provisions of subsection (1) of this section, the sealholders of any incorporated institute shall, on complying with the provisions of section 76 of this Act, be deemed to be the trustees of the institute for the purposes of this Act and shall continue in that office as provided by and subject to this Act.

5. Section 82 of the principal Act is amended by striking out the words "same has been approved in writing by the council of the association" in the second and third lines of subsection (3) thereof and by inserting in lieu thereof the words "council of the association is satisfied that it is desirable that the rule should be made or, as the case may be, altered or rescinded and unless the council of the association approves thereof in writing".

Amendment of
principal Act,
s. 82—
Rules.

6. (1) The following section is enacted and inserted in the principal Act after section 85 thereof :—

85a. (1) If any resolution is pursuant to this Act to be submitted to any meeting of the members of any institute or if any appointment or election is to be made or carried out by the members of any institute, a member of the institute shall not be entitled to vote upon that resolution or for that appointment or election unless the member—

Enactment of
s. 85a of
principal Act
and consequen-
tial repeal of
s. 110 of
principal Act—
Voting rights
of members of
institutes.

- (a) is eighteen or more years of age ; and
- (b) has paid the full current subscription prescribed to be paid by the rules or by-laws of the institute or as fixed by the committee of the institute pursuant to the rules or by-laws of the institute ; and
- (c) has been a member for the previous six months ; and
- (d) complies with the requirements of any relevant rule or by-law of the institute relating to the right of voting of members of the institute.

(2) Any member entitled to vote as aforesaid shall have one vote and no more at any meeting but any such member who is chairman of a meeting shall have a casting vote as well as a deliberative vote.

(2) Section 110 of the principal Act is repealed.

7. The following section is enacted and inserted in Division I of Part V of the principal Act after section 89 thereof :—

Enactment of
s. 89a of
principal Act—

Regulations.

89a. The Governor, on the recommendation of the council of the association, may make regulations for all or any of the following purposes, namely:—

- I. Prescribing the manner in which the funds of institutes may be invested:
- II. Prescribing the manner in which any securities of institutes shall be held or deposited:
- III. Prescribing the records to be kept of the funds and securities of institutes:
- IV. Otherwise for safeguarding the funds of institutes and for securing the proper custody of the property and securities thereof:
- V. For fixing penalties for any breach of any regulation not exceeding the sum of twenty pounds for any one offence.

**Amendment of
principal Act,
s. 97—
Foreclosure.**

8. Section 97 of the principal Act is amended—

- (a) by striking out the words “three months” in the sixth line thereof and by inserting in lieu thereof the words “one month’s”;
- (b) by striking out the words “three months” in the second line of subsection (3) thereof and by inserting in lieu thereof the words “one month”.

**Amendment of
principal Act,
s. 106—
Disposal of
property of
dissolved
institute.**

9. Section 106 of the principal Act is amended by adding at the end thereof the following subsection:—

(3) If the property of the institute includes any land upon which is erected a hall and the other property of the institute is not sufficient for the payment of the debts of the institute (other than any debt secured by a charge upon the said land) the council of the association may, in any case it thinks fit, with the consent of the Minister, grant a mortgage or other charge upon the said land to secure the payment of the said debts to the extent to which the other property of the institute is insufficient to repay. Unless the said land is vested in the council of the association pursuant to section 107 then, for the purpose of giving effect to this subsection and for that purpose only, the said land shall be deemed to be vested in the council of the association. The land may at any time thereafter be disposed of in manner provided by subsection (2) of this section. Until such time as the land is disposed of as aforesaid the council of the association may from the general funds of the association make any payment of interest necessary to to be made pursuant to the mortgage or charge granted as aforesaid.

10. Section 107 of the principal Act is amended—

Amendment of
principal Act,
s. 107—
Dissolution of
institutes.

(a) by striking out subsection (1) thereof and by inserting in lieu thereof the following subsection :—

(1) If—

(a) the number of the members of the institute whose subscriptions are paid up to the date of the resolution in this section mentioned, is reduced to less than ten ; or

(b) the council of the association is satisfied that the institute has not an adequate library or that the library of the institute is not being properly managed,

the council of the association may pass a resolution that, subject to this section, the institute will be dissolved ;

(b) by inserting after the word “ council ” wherever occurring in subsection (3) thereof in every case the words “ of the association ” ;

(c) by inserting after the word “ up ” in the fourth line of subsection (3) thereof the words “ or that the institute has then an adequate library or that the library is then properly managed, as the case may require, ” ;

(d) by adding at the end thereof the following subsections :—

(4) If notice of a resolution of the council of the association is posted as aforesaid, then during the period of three months after the posting thereof, neither the trustees of the institute nor the committee of the institute shall dispose of or charge any of the assets of the institute or enter into any contract for the purposes of the institute unless the consent in writing of the council of the association is given thereto.

(5) Forthwith after the posting of the notice aforesaid, the committee of the institute shall deliver up to the council of the association the records and books of account of the institute.

(6) Notwithstanding anything in this section or in section 106, the council of the association shall not, except as provided by subsection (3) of section 106, incur any liability with respect to the debts or obligations of any institute.

Amendment
principal Act,
Division VI of
Part V—

Power to
demand poll.

11. (1) Section 111 of the principal Act is amended so as to read as follows :—

111. (1) Before making any purchase or accepting any conveyance or transfer as aforesaid the council shall give notice of the proposal. The notice shall state the purpose of the proposal and the amount (if any) to be paid by the council for the purchase, conveyance or transfer and shall be published in the *Government Gazette* and twice in some newspaper circulating in the neighbourhood not less than one month nor more than three months before the purchase is to be completed by the council.

(2) Within one month after the last publication of the notice, the requisite number of ratepayers may in manner provided by section 427 of the Local Government Act, 1939-1949, demand a poll.

(3) In this section the term "requisite number of ratepayers" shall have the meaning given thereto by the said section 427 and the provisions of Part XXI and Part XLIII of the Local Government Act, 1934-1949, shall *mutatis mutandis* apply with respect to the poll.

(2) Subsection (3) of section 109 of the principal Act is repealed.

(3) Section 113 of the principal Act is amended so as to read as follows :—

Certificate of
town or
district clerk.

113. If after notice as required by section 111 is given no poll is demanded as provided pursuant to that section or if a poll is demanded and held approving of the purchase, conveyance or transfer of the property of the institute, the town clerk or district clerk of the council shall give to the Minister and to the council of the association a certificate accordingly.

Amendment of
principal Act,
s. 117—
Management of
transferred
institute.

12. Section 117 of the principal Act is amended by striking out subsection (3) thereof and by inserting the following subsection in lieu thereof :—

(3) At least one month before the time for holding the meeting for the annual election of members of the committee by the members of the institute, the secretary of the institute shall give notice in writing to the council of

the time for the holding of the meeting. The election by the council of its proportion of the committee shall take place before the time for holding the meeting stated in the notice aforesaid. If notice is given as aforesaid and the council does not elect its proportion of the committee before the said time, the said proportion may be elected by the members of the institute and shall hold office as if they had been elected by the council.

13. The following section is enacted and inserted in Division VI. of Part V. of the principal Act after section 118 thereof:—

Enactment of
s. 118a of
principal Act—

118a. (1) If the council of the area in which an institute is situated and the council or councils of any other area or areas desire to combine to purchase or to accept the conveyance or transfer of the real and personal property of the institute, the councils may submit to the Minister a scheme for the purchase, transfer, or conveyance, as the case may be.

Transfer of
institute to
two or more
councils.

(2) The scheme shall be in writing and shall state—

- (a) the names of the councils submitting the scheme ;
- (b) the manner in which it is proposed that the real and personal property of the institute shall be held ;
- (c) the proportion in which each council will contribute to any costs arising out of the acquisition or future management of the institute ;
- (d) the proportion of members of the committee of the institute which shall be elected by each council ;
- (e) any other matters deemed necessary by the Minister.

(3) The Minister may in writing approve any such scheme and thereupon the councils joining in the scheme may in relation to the institute do jointly any matter, act or thing which pursuant to this Division or Division VII. of this Part may be done by the council of the area in which the institute is situated, but the provisions of this Part and the said Part VII. shall, *mutatis mutandis*, apply thereto and nothing in this section shall in any wise affect the provisions of this Part and the said Part VII. requiring the passing of any resolution, the giving of any consent, or the holding of any poll.

(4) With the consent in writing of the Minister, the councils being parties to a scheme approved as aforesaid may from time to time in writing vary the provisions of the scheme. Before giving any consent as aforesaid, the Minister shall cause notice of the proposed variation to be given to the institute and shall consider any representations which are, within the time stated for the purpose in the notice, made to the Minister by the institute.

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

C. W. M. NORRIE, Governor.