

NATIONAL LIBRARY.

No. 69 of 1960.

An Act relating to the National Library of Australia.

[Assented to 7th December, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *National Library Act 1960*. Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1–4).
 - Part II.—Establishment of the National Library of Australia (Sections 5–9).
 - Part III.—Management of the Library (Sections 10–18).
 - Part IV.—Finance (Sections 19–26).
 - Part V.—Miscellaneous (Sections 27–28).

Definitions.

4. In this Act, unless the contrary intention appears—

“ library material ” includes books, periodicals, newspapers, manuscripts, films, sound recordings, musical scores, maps, plans, pictures, photographs and prints;

“ member ” means a member of the Council;

“ the Council ” means the Council of the National Library of Australia established by this Act;

“ the Library ” means the National Library of Australia established by this Act.

PART II.—ESTABLISHMENT OF THE NATIONAL LIBRARY
OF AUSTRALIA.

Establishment
of National
Library.

5.—(1.) A body corporate is hereby established under the name “ National Library of Australia ”.

(2.) The Library—

(a) shall have a seal;

(b) has power to acquire, hold and dispose of real and personal property; and

(c) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Library affixed to a document and shall presume that it was duly affixed.

Functions of
Library.

6. The functions of the Library are, on behalf of the Commonwealth—

(a) to maintain and develop a national collection of library material, including a comprehensive collection of library material relating to Australia and the Australian people;

(b) to make library material in the national collection available to such persons and institutions, and in such manner and subject to such conditions, as the Council determines with a view to the most advantageous use of that collection in the national interest;

(c) to make available such other services in relation to library matters and library material (including bibliographical services) as the Council thinks fit, and, in particular, services for the purposes of—

(i) the library of the Parliament;

(ii) the Departments and authorities of the Commonwealth; and

(iii) the Territories of the Commonwealth; and

- (d) to co-operate in library matters (including the advancement of library science) with authorities or persons, whether in Australia or elsewhere, concerned with library matters.

7.—(1.) The Library has power to do all things necessary or convenient to be done for or in connexion with the performance of its functions. Powers of the Library.

(2.) Without limiting the generality of the last preceding sub-section, the powers of the Library referred to in that sub-section include power—

- (a) to purchase or take on hire, or to accept on deposit or loan, library material, and also furnishings, equipment and goods needed for the purposes of the Library;
- (b) to dispose of, lend or hire out library material or other goods the property of the Library;
- (c) to purchase or take on lease land or buildings, and to erect buildings, necessary for the purposes of the Library;
- (d) to dispose of, or grant leases of, land or buildings vested in the Library;
- (e) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Library;
- (f) to accept gifts, devises, bequests and assignments made to the Library (whether on trust or otherwise); and
- (g) to act as trustee of moneys, library material or other property vested in the Library upon trust, or to act on behalf of the Commonwealth or an authority of the Commonwealth in the administration of a trust relating to library material or library matters.

(3.) Notwithstanding anything contained in this Act, any money or property held by the Library upon trust shall be dealt with in accordance with the powers and duties of the Library as trustee.

8. The Minister may, at the request of the Council, make arrangements with the appropriate authority for the transfer to the Library of the ownership, use or custody of any library material, or of any equipment or goods, belonging to the Commonwealth. Transfer of library material, &c., to Library.

9. The Governor-General may make available, for the purposes of the Library, any land or buildings owned or held under lease by the Commonwealth. Land and buildings.

PART III.—MANAGEMENT OF THE LIBRARY.

Constitution of Council.

10.—(1.) The affairs of the Library shall be conducted by a Council to be known as the Council of the National Library of Australia.

(2.) The Council shall consist of—

- (a) one Senator elected by the Senate;
- (b) one member of the House of Representatives elected by that House; and
- (c) seven members appointed by the Governor-General, being persons who, in the opinion of the Governor-General, by their knowledge and experience can advance the full development of the Library.

(3.) A member of the Council elected by either House of the Parliament holds office, subject to this Act, for such period, not exceeding three years, as is fixed by that House at the time of his election.

(4.) A member of the Council appointed by the Governor-General holds office, subject to this Act, for such period, not exceeding three years, as is fixed by the Governor-General at the time of his appointment.

(5.) A member is eligible for re-election or re-appointment.

(6.) The exercise or performance of the powers or functions of the Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Council.

Acting members.

11.—(1.) In the event of the inability to attend meetings (whether on account of illness or otherwise) of a member appointed by the Governor-General, the Minister may appoint a person to be an acting member of the Council during the period of that inability, and a person so appointed has all the powers and functions of a member.

(2.) The appointment of an acting member may be terminated at any time by the Minister.

Chairman and Deputy Chairman.

12.—(1.) The Governor-General shall appoint one of the members appointed by the Governor-General to be the Chairman of the Council during the pleasure of the Governor-General.

(2.) There shall be a Deputy Chairman of the Council, who shall be a member elected by the members from time to time.

Remuneration and allowances.

13.—(1.) A member shall be paid such remuneration (if any) and allowances (if any) as the Governor-General determines.

(2.) A member of the Council elected by either House of the Parliament shall not be paid any remuneration or allowances under the last preceding sub-section, but shall be reimbursed such expenses as he reasonably incurs as a member of the Council.

14.—(1.) The Governor-General may terminate the appointment of a member, being a member appointed by the Governor-General, for inability, inefficiency or misbehaviour. Termination of office.

(2.) A member elected by either House of the Parliament may be removed from office by that House.

15.—(1.) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) resigns his office by writing under his hand addressed—
 - (i) in the case of a member appointed by the Governor-General—to the Governor-General; or
 - (ii) in the case of a member elected by the Senate or the House of Representatives—to the President of the Senate or the Speaker of the House of Representatives, as the case may be;
- (c) in the case of a member elected by either House of the Parliament—ceases to be a member of that House;
- (d) is absent, except on leave granted by the Council, from three consecutive meetings of the Council; or
- (e) fails to comply with his obligations under sub-section (3.) of this section,

Vacation of office.

the Governor-General shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(2.) For the purposes of paragraph (c) of the last preceding sub-section, a member of either House of the Parliament shall be deemed not to have ceased to be a member of that House while he continues to be entitled to the Parliamentary allowance that became payable to him as such a member.

(3.) A member who is directly or indirectly interested in a contract made or proposed to be made by the Library, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(4.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Council, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

Meetings of
Council.

16.—(1.) The Chairman, or if, for any reason, the Chairman is unable to act, the Deputy Chairman—

- (a) shall convene such meetings of the Council as he considers necessary for the efficient conduct of its business; and
- (b) shall, on receipt of a written request signed by not less than four members, convene a meeting of the Council.

(2.) The Minister may at any time convene a meeting of the Council.

(3.) The Chairman shall preside at all meetings of the Council at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Council, the Deputy Chairman shall preside at that meeting.

(5.) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Council, the members present shall appoint one of their number to preside at that meeting.

(6.) At a meeting of the Council, five members constitute a quorum.

(7.) Subject to the next succeeding sub-section, all questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, and for this purpose the member presiding at the meeting has a deliberative vote.

(8.) In the event of an equality of votes on a resolution proposed at a meeting of the Council, the resolution shall be taken not to be passed, but if the same resolution is proposed at the next meeting of the Council held at a later date and there is again an equality of votes, the member presiding at that meeting has a casting vote on the proposed resolution.

National
Librarian.

17.—(1.) There shall be a National Librarian, who shall be appointed and employed in accordance with the *Public Service Act 1922–1960*.

(2.) Until the first appointment of a person as National Librarian in accordance with the *Public Service Act 1922-1960*, the person for the time being occupying the office of Parliamentary Librarian in the Department of the Parliamentary Library shall also be the National Librarian.

(3.) The National Librarian is the executive officer of the Council and has, under the Council, the conduct of the affairs of the Library.

(4.) The National Librarian has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act 1922-1960* so far as those powers relate to the branch of the Public Service of the Commonwealth comprising the staff of the National Library, as if that branch were a separate Department.

(5.) The National Librarian may, by instrument in writing, and either generally or to the extent provided in the instrument, delegate to an officer employed under the *Public Service Act 1922-1960* all or any of his powers and functions under this Act (including his powers referred to in the last preceding sub-section but not including this power of delegation).

(6.) The power of the National Librarian to delegate all or any of his powers and functions, other than the powers referred to in sub-section (4.) of this section, is subject to any directions of the Council.

(7.) A power or function delegated under this section may be exercised or performed by the delegate as fully and effectually as by the National Librarian.

(8.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the National Librarian.

18. The staff of the Library shall be employed under the officers. *Public Service Act 1922-1960.*

PART IV.—FINANCE.

19. Until a date to be fixed by the Minister by notice in writing to the Council—

Interim
financial
provision.

(a) the expenses of the Library shall be paid out of the Consolidated Revenue Fund in accordance with appropriations made by law, and all moneys received by the Library shall be paid into the Consolidated Revenue Fund; and

(b) sections twenty, twenty-one, twenty-two and twenty-five of this Act, and section twenty-four of this Act, so far as it relates to the keeping of accounts and the making of payments, do not have effect.

Moneys payable
to Library.

20.—(1.) There are payable to the Library such moneys as are appropriated by the Parliament for payment to the Library.

(2.) Moneys payable to the Library under this section shall be paid in such amounts and at such times as the Treasurer determines.

Library to
have bank
accounts.

21. The Library shall open and maintain an account or accounts with the Reserve Bank of Australia or with such other bank or banks as the Treasurer approves and shall pay all moneys received by it into an account so opened.

Application of
moneys of
Library.

22. The moneys of the Library shall be applied only—

(a) in payment or discharge of the costs and expenses of the Library under this Act; and

(b) in payment of the remuneration, allowances and expenses of the members of the Council.

Particulars of
proposed
expenditure.

23. The Council shall, not later than the thirty-first day of March in each year, submit to the Minister particulars of proposed expenditure of the Library for the financial year commencing on the following first day of July.

Proper accounts
to be kept.

24. The Council shall cause to be kept proper accounts and records of the transactions and affairs of the Library and shall do all things necessary to ensure that all payments out of the moneys of the Library are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Library and the incurring of liabilities by the Library.

Audit.

25.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Library and shall forthwith draw the Minister's attention to any irregularity revealed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2.) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Library relating directly or indirectly to the receipt or payment of moneys by the Library or to the acquisition, receipt, custody or disposal of assets of the Library.

(3.) The Auditor-General or an officer authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(4.) The Auditor-General or an officer authorized by him may require a member of the Council, the National Librarian or a member of the staff of the Library to furnish him with such

information in the possession of that person or to which that person has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and that person shall comply with the requirement.

26. The Library is not subject to taxation under any law of the Commonwealth or of a State or Territory of the Commonwealth to which the Commonwealth is not subject. Exemption from taxation.

PART V.—MISCELLANEOUS.

27.—(1.) The Council shall furnish to the Minister such reports relating to the operations of the Library as the Minister requires. Reports.

(2.) The Council shall, as soon as practicable after each thirtieth day of June, furnish to the Minister, for presentation to each House of the Parliament, a report of the operations of the Library during the year ended on that date, together with financial statements in respect of that year in such form as the Minister approves.

(3.) Before furnishing the financial statements to the Minister, the Council shall submit them to the Auditor-General for the Commonwealth, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Library;
- (c) whether the receipt and expenditure of moneys by the Library during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(4.) The Minister shall lay the report and financial statements of the Council, together with the report of the Auditor-General, before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

28. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for three months, or both, for offences against the regulations. Regulations.