

# National Library Act 1973

No. 217 of 1973

---

## AN ACT

To amend the *National Library Act 1960-1967*.

[Assented to 20 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *National Library Act 1973*.

(2) The *National Library Act 1960-1967*\* is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *National Library Act 1960-1973*.

Commence-  
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. Section 3 of the Principal Act is repealed.

Definitions.

4. Section 4 of the Principal Act is amended—

(a) by omitting from the definition of “library material” the words “and prints” and substituting the words “, prints and other recorded material, whether in writing or in some other form”; and

(b) by inserting after the definition of “the Council” the following definition:—

“ ‘the Director-General’ means the Director-General of the Library; ”.

---

\* Act No. 69, 1960, as amended by No. 93, 1966; and No. 28, 1967.

5. After section 7 of the Principal Act the following section is inserted:—

“ 7A. (1) The Library shall not, without the approval of the Minister—

- (a) acquire any property, right or privilege for a consideration exceeding in amount or value Fifty thousand dollars or, if a higher amount is prescribed, that higher amount;
- (b) dispose of any property, right or privilege where the amount or value of the consideration for the disposal, or the value of the property, right or privilege, exceeds Fifty thousand dollars or, if a higher amount is prescribed, that higher amount;
- (c) enter into a contract for the construction of a building for the Library, being a contract under which the Library is to pay an amount exceeding Fifty thousand dollars or, if a higher amount is prescribed, that higher amount; or
- (d) enter into a lease of land for a period exceeding ten years.

Power to purchase and dispose of assets.

“ (2) Except as otherwise approved by the Minister administering the *Lands Acquisition Act 1955-1966*, the purchase or the taking on lease of land or buildings required for the purposes of the Library shall be effected under that Act.”

6. Section 10 of the Principal Act is amended—

- (a) by inserting before paragraph (a) of sub-section (2) the following paragraph:

“ (aa) the Director-General; ”

- (b) by omitting from paragraph (c) of sub-section (2) the word “ seven ” and substituting the word “ nine ”; and
- (c) by inserting in sub-section (5), after the word “ member ”, the words “ of the Council elected by either House of the Parliament or appointed by the Governor-General ”.

Constitution of Council.

7. Section 13 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:—

“ (1) The Chairman of the Council shall be paid remuneration at such rate (if any) as is fixed by the Parliament, but until 1st July, 1974, the rate (if any) of that remuneration shall be as prescribed.

“ (1A) The Chairman of the Council shall be paid such allowances (if any) as are prescribed.

“ (1B) A member of the Council, other than the Chairman of the Council and the Director-General, shall be paid such fees and allowances (if any) as are prescribed.

“ (1C) The references in sub-sections (1A) and (1B) to allowances do not include a reference to an annual allowance.”; and

- (b) by omitting from sub-section (2) the words “ the last preceding sub-section ” and substituting the words “ the preceding provisions of this section ”.

Remuneration and allowances.

Vacation  
of office.

8. Section 15 of the Principal Act is amended by inserting in sub-section (1), after the word "member" (first occurring), the words "other than the Director-General".

Director-  
General.

9. (1) Section 17 of the Principal Act is amended—

(a) by omitting from sub-section (1) the words "National Librarian" and substituting the words "Director-General of the National Library"; and

(b) by omitting from sub-sections (2) to (8), inclusive, the words "National Librarian" and substituting the word "Director-General".

(2) The person who held office as the National Librarian immediately before the commencement of this Act holds office as the Director-General of the National Library for the remainder of the period for which he was appointed as National Librarian as if he had been appointed Director-General under the Principal Act as amended by this Act.

(3) A reference in any other Act to the National Librarian shall be read as a reference to the Director-General of the National Library.

Terms and  
conditions  
of appoint-  
ment.

10. Section 17A of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:—

"(3) The Director-General shall be paid salary at such rate as is fixed by the Parliament and such allowances (not including an annual allowance) as are prescribed."

Application  
of Common-  
wealth  
Employees'  
Compensa-  
tion Act.

11. Section 17G of the Principal Act is repealed.

Acting  
Director-  
General.

12. Section 17J of the Principal Act is amended—

(a) by inserting after sub-section (1) the following sub-section:

"(1A) A person appointed under this section may attend a meeting of the Council and, in relation to meetings of the Council that he attends in pursuance of this sub-section, shall, for the purposes of this Act, be deemed to be the Director-General."; and

(b) by omitting from sub-section (3) the words "Sections seventeen B, seventeen D and seventeen G of this Act" and substituting the words and figures "Sections 17B and 17D".

Interim  
financial  
provision.

13. Section 19 of the Principal Act is repealed.

Moneys  
payable to  
Library.

14. Section 20 of the Principal Act is amended—

(a) by omitting from sub-section (1) the words "payment to" and substituting the words "the purposes of"; and

(b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Library.”.

15. Section 21 of the Principal Act is repealed and the following section substituted:—

“21. (1) The Library may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts.

“(2) The Library shall pay all the moneys of the Library into an account referred to in this section.

“(3) In this section, ‘approved bank’ means the Reserve Bank of Australia or another bank approved by the Treasurer.”.

16. Section 23 of the Principal Act is repealed and the following section substituted:—

“23. (1) The Council shall prepare estimates, in such form as the Minister directs, of receipts and expenditure of the Library for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Council shall submit estimates so prepared to the Minister not later than such date as the Minister directs. Estimates.

“(2) Moneys of the Library shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.”.

17. Sections 25 and 26 of the Principal Act are repealed and the following sections substituted:—

“25. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Library and records relating to assets of, or in the custody of, the Library and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing. Audit.

“(2) The Auditor-General may, at his discretion, dispense with all or any of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

“(4) 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 by the Library.

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

“ (6) The Auditor-General or an officer authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized officer considers necessary for the purpose of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

“ (7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

**Exemption  
from  
taxation.**

“ 26. The Library is not subject to taxation under any law of the Commonwealth or of a State or Territory.”.

**Reports.**

18. Section 27 of the Principal Act is amended by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:—

“ (2) The Council shall, as soon as practicable after each 30th June, prepare and furnish to the Minister 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 Treasurer approves.

“ (3) Before furnishing financial statements to the Minister, the Council shall submit them to the Auditor-General, 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;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, 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 cause the report and financial statements of the Council, together with the report of the Auditor-General, to be laid before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.”.

**Additional  
amendments.**

19. The Principal Act is amended as set out in the Schedule.

**SCHEDULE**  
**ADDITIONAL AMENDMENTS**

Section 19

Provision	Amendment
Paragraph 15 (1) (e) ..	Omit " of this section ".
Sub-sections 17A (1) and (2)	Omit " National Librarian " (wherever occurring), substitute " Director-General ".
Section 17A .. ..	Omit " National Librarian ", substitute " Director-General ".
Section 17C .. ..	Omit " National Librarian ", substitute " Director-General ".
Section 17D .. ..	Omit " National Librarian ", substitute " Director-General ".
Sub-sections 17E (1) and (2)	Omit " National Librarian " (wherever occurring), substitute " Director-General ".
Section 17F .. ..	Omit " National Librarian " (wherever occurring), substitute " Director-General ".
Section 17H .. ..	(a) Omit " four ", substitute " 4 ".
Sub-section 17I (1) ..	(b) Omit " National Librarian ", substitute " Director-General ".
	(a) Omit " National Librarian " (wherever occurring), substitute " Director-General ".
	(b) Omit " section seventeen of this Act ", substitute " section 17 ".
Sub-section 17J (3) ..	Omit " National Librarian ", substitute " Director-General ".
Sub-section 17J (5) ..	Omit " National Librarian ", substitute " Director-General ".