

National Library

No. 28 of 1967

An Act to amend the *National Library Act*
1960–1966.

[Assented to 23 May 1967]

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

- 1.—(1) This Act may be cited as the *National Library Act* 1967.
- (2) The *National Library Act* 1960–1966* 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* 1960–1967.

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

Short title and
citation.

Commence-
ment.

* Act No. 69, 1960, as amended by No. 93, 1966.

National Librarian.

3.—(1.) Section 17 of the Principal Act is amended by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

“ (1.) For the purposes of this Act, there shall be a National Librarian.

“ (2.) The National Librarian shall be appointed by the Governor-General.”.

(2.) Until the first appointment of a person as the National Librarian takes effect, 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.) Sections 17A to 17H, inclusive, of the Principal Act, as amended by this Act, do not apply in relation to a person who is the National Librarian by virtue of the last preceding sub-section, but such a person has the same rights as if his duties as National Librarian were part of the duties of his office as Parliamentary Librarian.

4. After section 17 of the Principal Act the following sections are inserted:—

Terms and conditions of appointment.

“ 17A.—(1.) The National Librarian holds office for such period, not exceeding seven years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

“ (2.) A person who has attained the age of sixty-five years shall not be appointed or re-appointed as National Librarian, and a person shall not be appointed or re-appointed as National Librarian for a period that extends beyond the date on which he will attain the age of sixty-five years.

“ (3.) The National Librarian shall be paid salary at such rate as the Governor-General determines and such allowances in respect of expenses as the Minister determines.

Leave of absence.

“ 17B. The Minister, or the Council acting with the authority of the Minister, may grant leave of absence to the National Librarian upon such terms and conditions as to remuneration or otherwise as the Minister or the Council, acting with the authority of the Minister, determines.

Dismissal.

“ 17C. The Governor-General may terminate the appointment of the National Librarian for misbehaviour or physical or mental incapacity.

Resignation.

“ 17D. The National Librarian may resign his office by writing under his hand addressed to the Governor-General.

Vacation of office.

“ 17E.—(1.) If the National Librarian—

(a) engages in paid employment outside the duties of his office without the approval of the Minister; or

- (b) 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,

the Governor-General shall, by notice in the *Gazette*, terminate the appointment of the National Librarian.

“(2.) The Minister shall not give an approval for the purposes of paragraph (a) of the last preceding sub-section unless he is satisfied that the paid employment is of a minor nature and will not interfere with the performance of the duties of the National Librarian under this Act.

“17F. If a person appointed to the office of National Librarian, was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

Rights of public servant appointed as National Librarian.

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as the National Librarian shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928–1959* applies as if this Act and this section had been specified in the Schedule to that Act.

“17G. For the purposes of the *Commonwealth Employees' Compensation Act 1930–1964*, the National Librarian shall be deemed to perform his functions as National Librarian under a contract of service with the Commonwealth.

Application of Commonwealth Employees' Compensation Act.

“17H. For the purposes of sub-sections (3A.) and (4.) of section four of the *Superannuation Act 1922–1966*, the National Librarian shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office.

Application of Superannuation Act.

“17J.—(1.) Where—

- (a) the National Librarian is, or is about to be, absent or not available to perform the functions of his office; or
- (b) there is a vacancy in the office of National Librarian,

Acting National Librarian.

the Governor-General may appoint a person to act in the place of the National Librarian while the National Librarian is absent or not available to perform the functions of his office or to act in the office of National Librarian until the filling of the vacancy and a person so appointed may perform the functions and exercise the powers (including the powers referred to in sub-section (4.) of section seventeen of this Act), and shall perform the duties, appertaining to the office of National Librarian.

“(2.) The Governor-General may at any time terminate an appointment under this section.

“(3.) Sections seventeen B, seventeen D and seventeen G of this Act apply in relation to a person appointed under this section in like manner as they apply in relation to the National Librarian.

“(4.) Subject to this section, the Governor-General may determine the terms and conditions of an appointment under this section.

“(5.) The validity of an act done by a person appointed under this section shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or that the appointment (not being an appointment by reason of a vacancy in the office of National Librarian) had ceased to have effect.”.

Audit. 5. Section 25 of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Auditor-General shall—

(a) from time to time inspect and audit the accounts and records of financial transactions of the Library;

(b) from time to time inspect other records of the Library so far as they relate to the acquisition, receipt, custody or disposal of property of the Library (including property vested in the Library upon trust) or of property placed in the custody of the Library; and

(c) forthwith draw the attention of the Minister to any irregularity revealed by any audit or inspection under this sub-section which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.”; and

(b) by omitting from sub-section (2.) the words “assets of the Library” and inserting in their stead the words “property of the Library (including property vested in the Library upon trust) or of property placed in the custody of the Library”.

Reports. 6. Section 27 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (3.) the words “and the state of the affairs”; and

(b) by inserting in paragraph (d) of that sub-section, after the word “statements”, the words “; or arising out of an inspection or audit under section twenty-five of this Act.”.